Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OGC REVIEW COMPLETED

4 May 1976

MEMORANDUM FOR: Deputy Director of Security (P&M)

STATINTL

FROM : [redacted]

SUBJECT : Requests for General Counsel Guidance from February 1974 to present

REFERENCE : Memorandum from Chief, Policy and Plans Group, dated 27 April 1976, Same Subject

1. The submission of Office of Security requests to the Office of General Counsel for guidance concerning the legality of our activities and the Office of General Counsel responses thereto from February 1974 to the present are attached.

2. The information is organized in chronological order with responses attached to the queries, and is placed in four major categories. The first category is Firearms, the second is Investigations, the third is Polygraph and the fourth is Miscellaneous.

STAT

[redacted]

Attachment

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

C
, S G
SRD - NONE
Poly : NONE
SSD - NONE

None - PSD
TSD
None - CD

27 April 1976

MEMORANDUM FOR: [redacted] STATINTL

FROM : [redacted]
Chief, Policy and Plans Group

SUBJECT : Requests for General Counsel Guidance

1. In the course of its inspection of the Office of Security currently underway, the Office of the Inspector General has expressed an interest in how often the Office of Security has sought guidance from the Office of General Counsel with respect to the legality or propriety of specific OS activities. The IG representatives would like to review all such requests we have levied upon OGC as well as the OGC responses thereto.

2. It would be appreciated if you would research this topic not only from the standpoint of those requests originated by PPG and filed in OS Registry, but also anything falling into this area initiated by other components of the Office, especially the PSI Directorate.

3. Our deadline to complete this project is close of business 30 April.

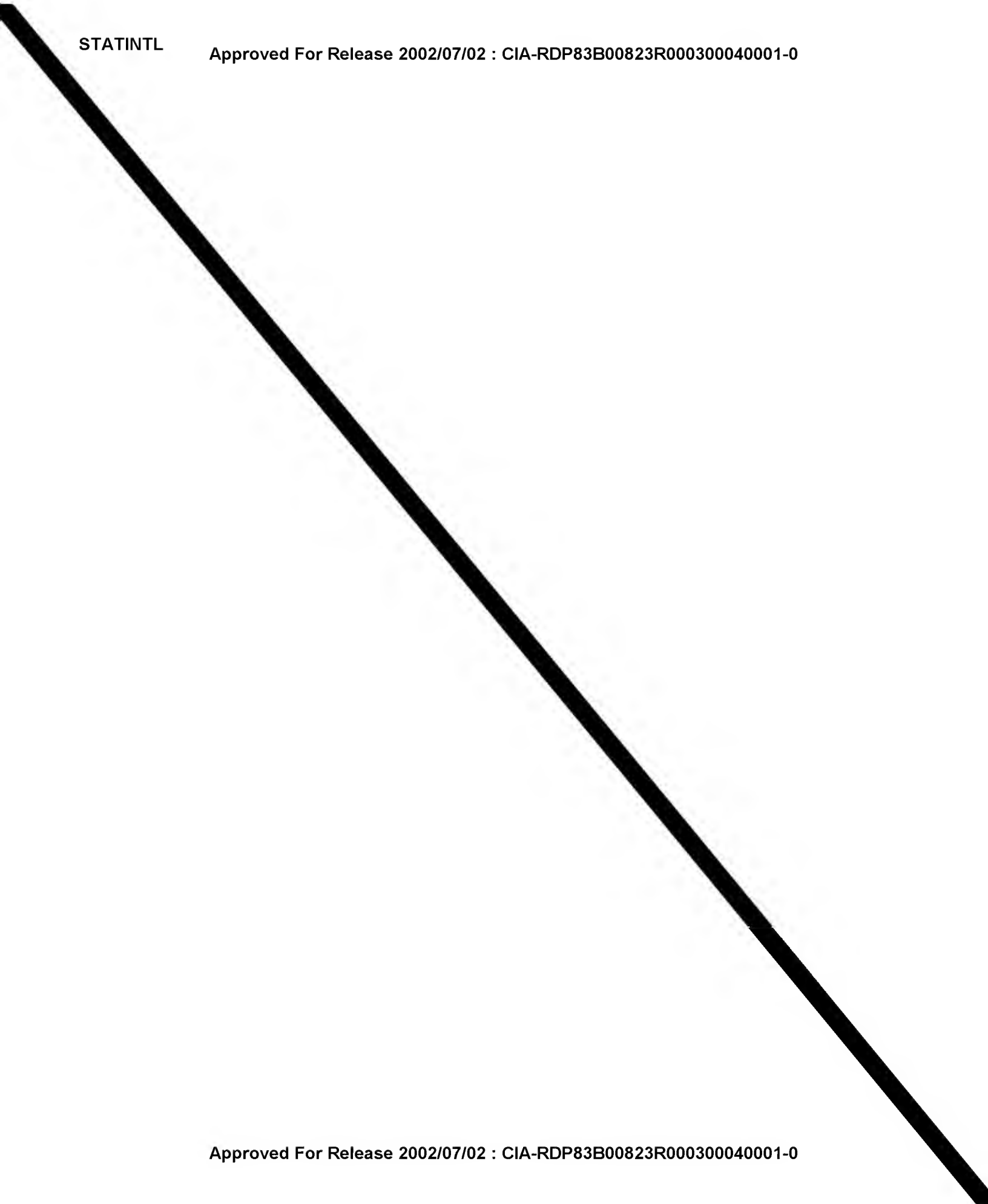
[redacted] STATINTL

Period: 26 February 1974 to date.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

FIREARMS

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

22 August 1974

MEMORANDUM FOR: General Counsel

SUBJECT : Firearms Authority of Central Intelligence Agency

REFERENCES :
A. 50 U.S.C.A. 403f. Sec. 5 (d) (attached)
B. Headquarters Regulation [redacted] b (1) and b (3) (attached) 25X1A
C. Memorandum from Assistant General Counsel, [redacted] dated 24 June 1969 (attached) 25X1A
D. Public Law 90-331, Section 2 and Section 3056 of Title 18 of the United States Code (attached)
E. Memorandum from Secretary of Treasury, George P. Shultz, dated 27 November 1972 (attached)

1. The general authorities set forth in the public law establishing the Central Intelligence Agency (Reference A), reflect that Agency employees may "carry firearms when engaged in transportation of confidential documents and materials affecting the national defense and security." Agency internal regulations (Reference B) further clarify this authority, establish specific guidelines regarding circumstances under which a firearm may be issued and delineate rules for employee training and weapon accountability. A 1969 memorandum (Reference C) from the General Counsel to the Director of

25X1

E.2 IMPDET CL [redacted]

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OS 40509

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Security, affirms the authority of Agency employees to carry weapons when engaged in sensitive courier operations and definitively outlines the limitations and responsibilities imposed on such persons.

2. In addition to the clearly authorized armed escort of extremely sensitive documents and materials, the Office of Security has traditionally extended the use of armed personnel to three other specific activities: physical protection of the Director and Deputy Director of Central Intelligence (DCI Security Staff);

25X1A

25X1A

3. In justification of its policy of providing armed agents for the physical protection of the DCI and DDCI, the Office of Security has applied the rationale that they are human repositories of a tremendous volume of highly classified information. At the same time, there is considerable evidence to suggest that the threat of assassination, kidnapping or physical harassment of the Director and Deputy Director is a very real one.

25X1A

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

[redacted] 25X1A

5. In the light of recent developments, the Office of Security has examined many of its activities with a view toward determining their propriety and strict legality. Accordingly, as in actual practice most of the domestic use of firearms by Agency personnel falls to employees of the Office of Security, you are requested to provide a professional opinion as to whether or not representatives of this Office are acting within the scope of their official and legal authority when they carry firearms to protect the Director and Deputy Director of Central Intelligence, provide

[redacted] 25X1A

Public Law 90-331, Section 2 (Reference D) to the protective activities of employees of this Office.

6. Consistent with your answers to the above questions, you are also requested to clarify the status as to personal legal and financial culpability of a properly trained employee who is directed to carry a weapon in connection with his official assignment and who, acting in a reasonable and prudent manner in response to a real or apparent threat, discharges such firearm causing injury, death or property damage.

7. For your information, recent research has developed that the oft quoted memorandum (Reference E) from Secretary of the Treasury, Shultz to all Cabinet Officers which implies that each Department has the authority to establish its own protective force, has no basis in statute law or formal executive order. Rather it apparently resulted from a conversation between President Nixon and John Dean wherein Dean was charged with taking the necessary steps to implement

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

such a program. However, it has been determined that Dean's subsequent conversation with Secretary Shultz (which precipitated Reference E) was the only follow-up action generated by Dean.

25X1A [redacted]

Charles W. Kane
Director of Security

Attachments

Distribution:
Orig & 1 - Addressee
1 - D/Sec
1 - DD/PTOS
1 - DD/PSI
1 - C/PhySD
1 - DCI Sec Stf

25X1A DCI Sec Stf/[redacted] 6 Aug 74

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Equipment 4

30 JAN 1975

MEMORANDUM FOR: General Counsel

SUBJECT : Firearms Authority of Central Intelligence Agency

1. Reference is made to my memorandum of 22 August 1974 wherein we requested your opinion regarding the firearms authority of the Central Intelligence Agency as it relates to firearms being carried by Office of Security personnel.

2. This Office realizes the volume of requests that are currently being levied on your Office, however, your opinion on this particular question is needed and your early response would be appreciated.

STATINTL

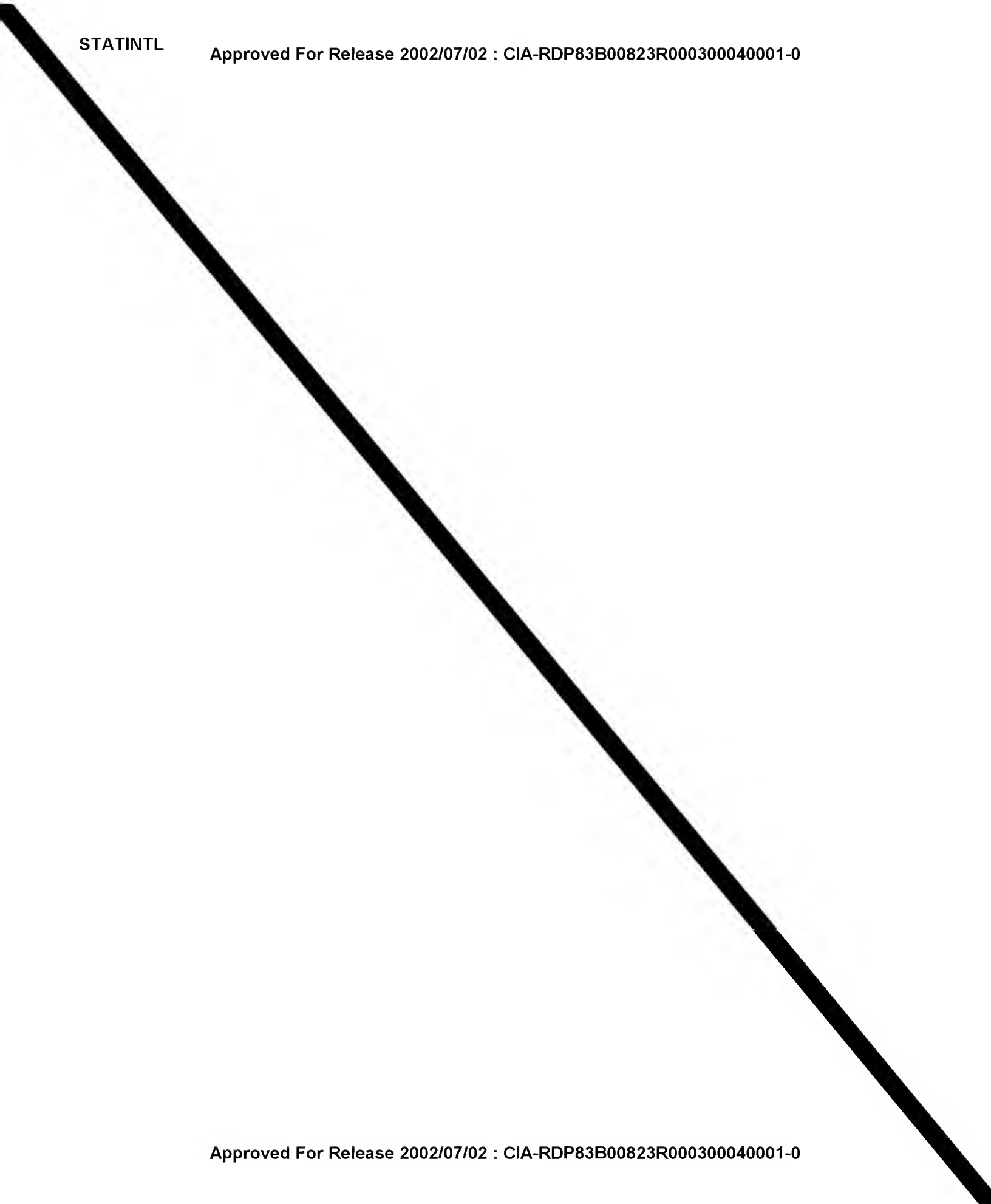
Charles W. Kane
Director of Security

STATINTL ep (29 JANUARY 1975)

Distribution:
Orig & 1 - Adse
1 - D/Security
STATINTL 1 - DD
1 - OS Registry
1 - DD/P&M Chrono

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

CONFIDENTIAL

OGC 75-0685
25 February 1975

MEMORANDUM FOR: Charles W. Kane, Director of Security

SUBJECT: Firearms Authority of Central Intelligence Agency

1. You have requested the opinion of this Office as to the legality of a number of current practices of the Office of Security involving the use of firearms and as to the liability of an employee who discharges a firearm causing injury, death or property damage. The practices about which you make inquiry are the use of armed personnel for the physical protection of the Director and Deputy Director of Central Intelligence, [redacted] 25X1A

25X1A [redacted]

order of presentation.

OGC 25X1 [redacted] OGC 25X1

Of fourteen other comparable statutes located in the United States Code, twelve are phrased in broad terms, authorizing certain personnel in the agency concerned to simply "carry firearms" or to "carry firearms in the discharge of their official duties." More restrictive terms are found in the case of the Departments of Defense and State. Certain civilians in the Department of Defense may carry firearms while assigned investigative duties or such other duties as the Secretary of Defense may prescribe. Designated security officers of the Department of State are authorized to carry firearms for the purpose of protecting heads of foreign states and other distinguished visitors to the United States, the Secretary and Under Secretary of State, and representatives of governments attending international conferences, and also for performing special missions. OGC 25X1 [redacted] OGC 25X1

OGC 25X1 [redacted] Where Congress has chosen in certain

25X1

CONFIDENTIAL

E2 IMPDET [redacted]

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OS 5 0613-x/a

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

instances to deal expansively and in certain related instances to deal restrictively, it must be assumed that the limits set out in the restrictive cases are intended by design and are not the result of inadvertence.

OGC
25X1

25X1A

4. The CIA relationship with the Secret Service arising under Public Law 90-331 is governed by the terms of the agreement between the Secret Service and the CIA signed in October and November 1971. Under the terms of that agreement, CIA officers and employees would only be detailed to augment the capacity of the Secret Service to perform its protective duties if, and when, requested by the Director of the Secret Service. However, as an ongoing service in aid of the Secret Service protective function, CIA is committed to furnish information that comes into its possession pertaining to individuals or groups that may prove a threat to the persons the Service protects. It should be noted that the undertaking to furnish information pertains only to the Agency's statutory responsibilities in the field of foreign intelligence. The agreement thus comports with the policy set out

25X1A

in HN [ ] 25 April 1974) wherein it is stated that it is unnecessary to review as a questionable activity agreements to furnish assistance to Government components in the form of passage of information concerning foreign phenomena.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

5. Your final inquiry concerns the liability of an employee who causes injury, death or property damage through the discharge of a firearm while he is acting within the scope of his employment. The key to answering this question is determining whether or not the employee actually is acting within the scope of his employment. There are cases where the individual is not acting within the scope of his employment when he causes personal injury or property damage and in these cases the individual alone is liable. The case of an individual making use of a Government-issued firearm during off-duty hours for strictly private pursuits is clearly a case of acting outside the scope of his employment. However, it is possible that behavior on the part of an employee that is completely at variance with the terms of his employment may be determined to be outside the scope of his employment even though the actions giving rise to injury or damage take place during the time and at the location where he is to be on duty. Just how complete a departure from the line of duty must take place before it may be determined that an employee is acting outside the scope of his employment is difficult to define in advance or without reference to a particular fact situation. It is sufficient to say that whether or not an employee was acting within the scope of his employment is often itself the subject of litigation in a tort action and that, if the individual is determined to have acted outside the scope of his employment, he alone, and not the Government, is liable.

6. However, when the individual is acting within the scope of his employment, the United States is also liable in the same manner as a private party under like circumstances. (28 U.S.C. 2674) A point to be borne in mind is that the individual is liable and remains so even though the United States is also liable. The common law rule that an agent, or employee, is liable for his own tort even though the principal, or master, is also liable remains in effect unless the law has been modified by statute. Such a statute does exist in the case of personal injury or property damage resulting from the operation of a motor vehicle while the employee was acting within the scope of his Government employment. In such a case, suit against the United States is an exclusive remedy and no civil action may be brought against the employee or his estate. (28 U.S.C. 2679) However, when an employee is acting within the scope of his employment and causes personal injury or property damage in a situation not involving the operation of a motor vehicle, he and the Government are liable. Normally, however, in such cases suit is brought against the Government alone or against the Government and employee as co-defendants. If judgment is returned against the employee and the Government jointly, it is to be expected that the Government alone would pay the judgment in full. It has been the policy of Government not to

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

penalize an employee for his negligence other than through whatever disciplinary or personnel action the individual agency may take on its own initiative. Judgment in an action against the Government alone or against the Government and employee jointly, acts as a complete bar to any subsequent action against the employee alone. (28 U.S.C. 2676) As a practical matter, then, it can be said that when an individual commits a tort while acting within the scope of his employment as a Government employee, it is to be expected that the burden of defense will fall most heavily on the Government, that, if there is a judgment in favor of the plaintiff, it will be paid in full by the Government, and that the judgment itself will act as a bar against further action against the employee alone.

25X1A

Office of General Counsel

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 1 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

INVESTIGATIONS

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 17 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

POLYGRAPH

POLYGRAPH

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 2 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OS/ERS 74-2036

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

3 JUN 1974

MEMORANDUM FOR: Director of Central Intelligence

VIA : Deputy Director for Management and Services
Deputy Director for Science and Technology
Legislative Counsel
General Counsel

FROM : Acting Director of Security

SUBJECT : Release of Material on the Agency's Use of Polygraph to the House Committee on Government Operations

1. Action Requested: It is requested that you approve the attached unclassified statement to be provided the Foreign Operations and Government Information Subcommittee, House Government Operations Committee at the hearing scheduled for 5 June 1974.

2. Basic Data:

a. On 5 October 1973 you received a questionnaire from Forrest R. Browne, Director, United States General Accounting Office, acting for the Chairman of the Subcommittee, for information on the use by Federal agencies of polygraphs and psychological stress evaluations and of telephone monitoring and other surveillance practices. You responded on 17 April 1974.

b. On 9 May 1974 you received a letter from Representative William S. Moorhead, Chairman, Foreign Operations and Government Information Subcommittee requesting Agency testimony on 5 June 1974 to supplement information provided in our response to the October 1973 questionnaire. A "high-ranking" official, a "policy witness" is requested. He is to be accompanied by an expert

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

who has intimate knowledge of the extent and nature of the use of polygraph. The initial oral statement is to be limited to ten minutes. Questions from the Subcommittee members will follow.

c. [redacted], Associate Legislative Counsel, has met with staff members of the Subcommittee. They provided a fairly definitive outline of their objectives in the scheduled hearing. They agreed in principle that the Agency representative give the requested ten-minute prepared statement in open session and then request executive session for questions and answers because classified information may be required. The Subcommittee objective is to update previous hearings of 1964 and to establish "what the pattern has been over the last decade." They would seek to determine to what extent more use is being made of technical means for employment screening or "plugging the leaks." They are also interested in the idea of polygraph to other agencies. The Subcommittee would appreciate any available comparisons between present and previous use of the polygraph.

STATINTL

d. We have drafted the attached material for your consideration and propose its use as the required prepared statement in open session by the Deputy Director for Management and Services, who will serve as the Agency representative.

3. Staff Position: We believe this material provides an accurate unclassified summary of the Agency's polygraph program and is responsive to the Committee's request.

4. Recommendation: In view of the above, it is recommended that you approve the use of the attached material as the Agency's prepared statement to be provided in open session to the Subcommittee on 5 June.

SIGNED

[redacted]

STATINTL

Acting Director of Security

Att

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

SUBJECT: Release of Material on the Agency's Use of Polygraph to the House Committee on Government Operations

CONCURRENCES:

STATINTL

/s/ [redacted]
for Carl E. Duckett
Deputy Director
for
Science and Technology

3 JUN 1974
Date

STATINTL

/s/ [redacted]
for John S. Warner
General Counsel

3 JUN 1974
Date

STATINTL

/s/ [redacted]
for George L. Cary, Jr.
Legislative Counsel

3 JUN 1974
Date

/s/ Harold L. Brownman

HAROLD L. BROWNMAN
Deputy Director
for
Management and Services

4 JUN 1974
Date

APPROVED: /s/ Harold L. Brownman 4 JUN 1974

per telephone conversation with Mr. Colby.

DISAPPROVED:

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

SUBJECT: Release of Material on the Agency's Use of Polygraph to the House Committee on Government Operations

Distribution:
Orig - Return to OS via DD/M&S
1 - DDCI /-DCI
1 - ER
2 - DD/M&S
1 - DD/S&T
1 - GC
1 - LC
1 - AD/Sec
1 - C/SSD
1 - IB
1 - Chrono
OS/PSI/SSD/IB:lw (31 May 1974)

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS

5 June 1974

Testimony of Harold L. Brownman, Deputy Director for Management and Services, Central Intelligence Agency

Mr. Chairman, Members of the Committee.

The Central Intelligence Agency is happy to be of all possible assistance to the Committee and its staff concerning the CIA's use of the polygraph. This opening statement has been prepared with that thought in mind. However, we believe that an executive session of the Committee for the ensuing question period will permit us to more freely respond since we may have to touch upon classified matters in satisfaction of your questions. May we request, Mr. Chairman, that the question and answer period of this hearing be held in executive session.

The CIA is familiar with the recommendations of this Committee which were made in its Tenth Report, including the recommendation that an interagency committee be established to study problems posed by the Federal Government's use of polygraphs and to work out solutions to those problems.

In the years 1964 to the present, the CIA has attempted to comply with your recommendations and with the spirit of the recommendations made by the interagency committee.

The CIA, as an Agency with an intelligence mission, uses the polygraph in its applicant security screening program. All positions in the Agency are sensitive within the criteria established in Executive Order 10450. All full-time, permanent employees of the Agency possess Top Secret clearances.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

The Director of Central Intelligence has put out a Directive governing our use of the polygraph. Under the terms of this Directive, a copy of which has been provided the Committee,

> The Director of Security is responsible for the supervision and training of polygraph examiners and for the conduct of the polygraph program of the CIA. He is charged by the DCI with the responsibility of insuring that the highest standards of operating procedures and equipment capability are established.
>
> The polygraph is used in the CIA as an aid to investigation for determining the security eligibility of persons for employment by or assignment to the Agency; staff-like access to sensitive Agency installations; utilization in operational situations; or continued access to classified information where implications of a security nature or investigative information require clarifying security interviews.
>
> The polygraph is not used on official or administrative matters involving possible malfeasance, or for the sole purpose of determining violations of the criminal laws of any country.
>
> If a polygraph examination involved a question pertaining to the violation of a criminal law, the individual would be informed of his privilege against self-incrimination and his right to consult with legal counsel or other professional assistance prior to the examination. Notification of such rights would be formally recorded.
>
> Each applicant for employment is notified, at the time he is given application forms, of the intent to use a polygraph examination in the course of his employment processing. A copy of this form has been provided to this Committee.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

He is told, before testing, the general content of all questions which he will be asked. The questions, since they are couched in broad terms, are discussed carefully with the applicant and the examiner works with the applicant to tailor the question to his/her age, sex and background. All the testing procedures are explained.

Before a person undergoes a polygraph examination, his consent is obtained in writing.

If an applicant asks, he is told if the polygraph examination is being monitored or recorded.

Before an applicant is polygraphed, he has been interviewed by representatives of the Office of Personnel and Office of Medical Services. A security field investigation has also been initiated. Guidance from the Office of Personnel and the Medical Staff is routinely provided to the Office of Security if any information has been developed as a result of their screening procedures that might preclude the advisability of conducting a polygraph interview.

The Director of Security is responsible for establishment of adequate safeguards designed to prevent unwarranted invasion of privacy.

All questions must have specific relevance to the person being polygraphed, and to the purpose of that particular test.

Examiner's instructions have been prepared in sensitive question areas to ensure that persons undergoing polygraph interrogation are not subjected to questioning about irrelevant, unwarranted or trivial matters. The interview is not used to probe a person's thoughts about conduct which has no security implications; e.g., religious beliefs,

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

practices, and affiliations; opinions regarding racial matters; political activities or organizational affiliations of a nonsubversive nature; and personal views concerning proposed or existing legislation.

The Director of Security maintains separate files for information obtained during polygraph examinations. By separate we mean separate from Security files as well as separate from Personnel files and, of course, we do not put any polygraph derived information on computers or in computer data banks. Polygraph information is released only to appropriate Agency officials when it has a direct bearing on a decision to be made by that official.

Polygraphed acquired information can only be released outside the Agency after a determination has been made, which is approved by the Director or Deputy Director of Central Intelligence, that such a release is necessary in the interest of national security.

I feel it would be appropriate here to make three basic points.

The polygraph examiner makes no recommendation as to the security suitability or status of the person tested.

The polygraph report is evaluated as but one element of the total investigative record.

At no time is security action taken solely on the basis of the polygraph charts.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Moving from procedures into the research area, you recall that one of this Committee's primary recommendations was that a program of research on polygraph be undertaken to investigate the validity and reliability of the procedure. We are conducting such a program.

Reliability, defined as consistency of interpretation of polygraph charts, has been looked at by means of examiner agreement studies. Agreement figures from our studies are comparable to figures from similar studies of other groups interpreting data germane to their specialties.

On the other hand, validity--or the degree to which polygraph charts measure what they purport to measure--has been a more difficult issue to evaluate. Satisfactory independent criteria for validating real life conditions are scarce, and the differences in polygraph subject attitudes between real life and laboratory conditions have prevented much headway through laboratory experiments. The data so far available have not been disappointing, but they are limited, and we still lack an appropriate scientific base for any conclusions.

We also investigated validity in the sense of utility--the degree to which the polygraph program does what it is intended to do. As you can see from this chart, in each year since 1964 a significant number of security disapprovals of applicants who were processed to the point of the polygraph interview has been due to the polygraph portion of our security processing.

Alternative sensors have been evaluated--for example, a more sophisticated electrodermal sensor; impedance rather than mechanical sensors; electromyography; electroencephalography; microvibration; electrooculography; pulse-wave velocity; and cardiotachometry. We can generally state that while many of these alternatives show some promise, they have not shown sufficient practical promise to cause us to modify our present instrumentation. This does not close the door on new parameter research. This is a continuing process.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

We have shifted to a different model of polygraph instrument than the one we were using at the time of the last hearing, and we feel it is mechanically superior. We are continuing to evaluate new instrumentation as it becomes commercially available, and we are continuing our own search for improved instrumentation.

We have developed a computer system which was utilized heavily in the previously mentioned studies of reliability and of mathematical modelling of examiner performance. We were also, naturally, interested in determining the computer system's practical utility as an additional parameter to actual polygraph operations. Utilizing all that was learned during the evolution of our experimental arrangement, we have full specifications for constructing a dedicated computer system to assist the examiner in chart interpretation. We are now in the process of evaluating the cost-effectiveness of the dedicated computer system.

Preliminary efforts have been undertaken in the field of countermeasures to polygraphy. We have plans for a long-range systematic program studying the possibilities in this field, but of course results are not yet available on these studies.

Voice analysis has drawn our attention. We have been interested in this field for several years, and have been monitoring research in this area conducted by other institutions. We do not believe that research to date has been exhaustive or conclusive and, accordingly, we are planning our own analysis of its possibilities. This project is still in its developmental state.

In conclusion, it should be made clear that we feel this Committee, in looking into polygraph procedures, has performed a very useful function. It has stimulated much needed research by our Agency and has made us take a careful look at our procedures. And now, Mr. Chairman, may we request executive session for the question and answer period.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

24 JUL 1974

MEMORANDUM FOR: General Counsel

THROUGH : Deputy Director for Management and Services

SUBJECT : Monitoring and Recording of Polygraph Tests

1. The Agency uses polygraph testing as a routine procedure in applicant processing and may ask employees to participate in polygraph testing from time to time.

2. Some of these polygraph tests are tape recorded and all of them are monitored, on a spot-check basis, without knowledge of the person interviewed. We have been informed by your office that this practice is not in keeping with a 4 September 1973 letter from the Attorney General which requires consent of an individual before private conversations can be monitored or recorded. Also, CIA has been asked recently by the House Subcommittee on Government Operations and Information why it did not routinely inform individuals that the polygraph interview may be monitored and recorded.

3. In satisfaction of both of these issues, the Office of Security proposes modification of its polygraph agreements as shown on the attached copies. Your concurrence is requested.

STATINTL

Charles W. Kane
Director of Security

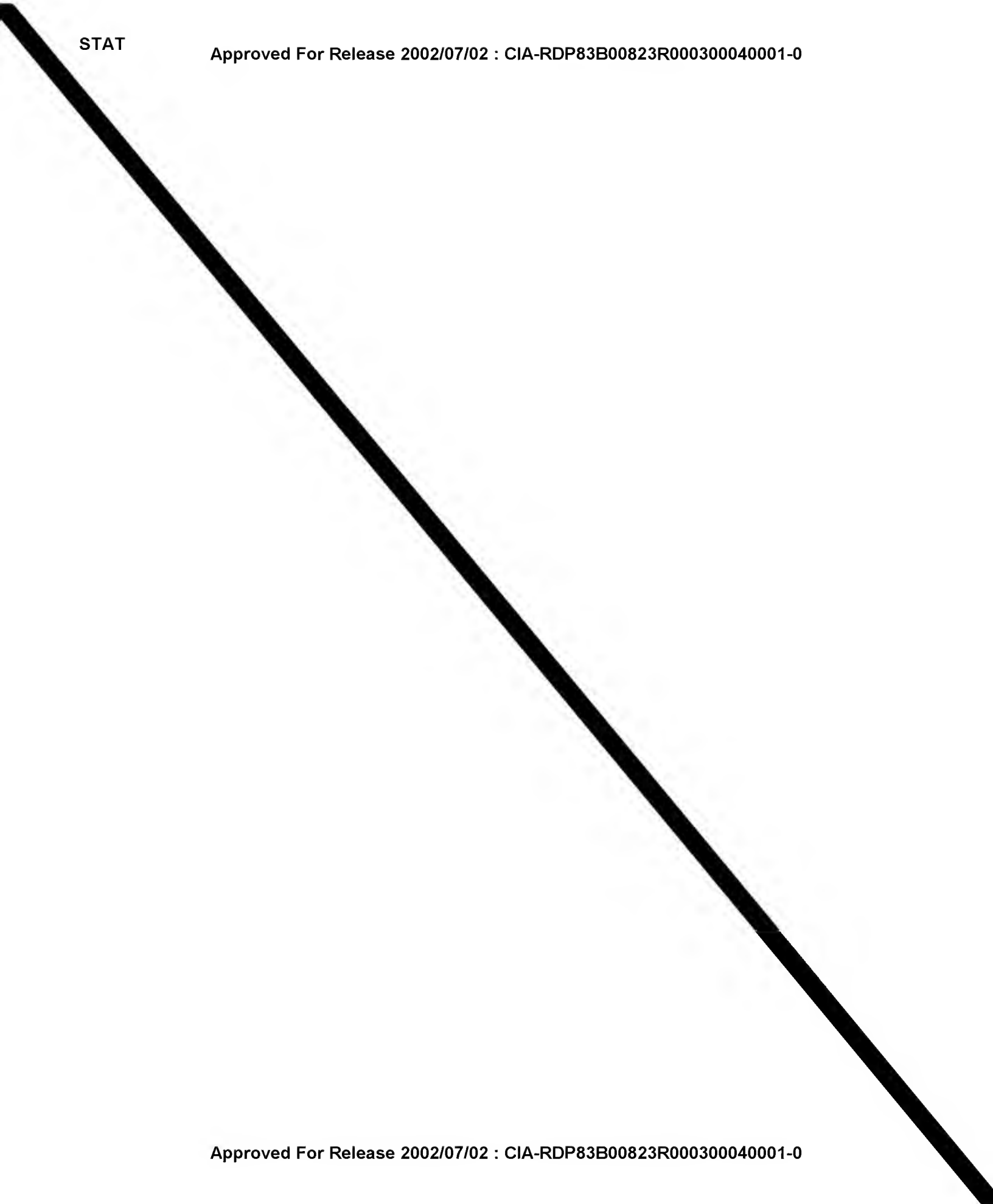
Atts

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

0540356

STAT

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

POLYGRAPH AGREEMENT

I, _____, *an applicant for employment with the Central Intelligence Agency, understand that the Agency uses Polygraph testing as a routine procedure and that every employee of the Agency will be requested to participate in Polygraph tests from time to time. Having been informed of my rights under the Constitution, I agree, of my own free will and without any compulsion, duress, or promise of reward or immunity, to an interview with officials of the Central Intelligence Agency, during which I will participate in Polygraph tests,* and I consent to the monitoring and recording of these tests for the purpose of accuracy. *I have read the foregoing and fully understand its import.*

IN WITNESS WHEREOF, I place my signature below, this _____ *day of* _____ *19*____.

_____
Signature

The above was read and signed in my presence this _____ *day of* _____ *19*____.

_____
Signature

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

POLYGRAPH AGREEMENT

I, _____, *an employee of the Central Intelligence Agency, understand that the Agency uses Polygraph testing as a routine procedure and that every employee of the Agency will be requested to participate in Polygraph tests from time to time. Having been informed of my rights under the Constitution, I agree, of my own free will and without any compulsion, duress, or promise of reward or immunity, to an interview with officials of the Central Intelligence Agency, during which I will participate in Polygraph tests,* and I consent to the monitoring and recording of these tests for the purpose of accuracy.

I have read the foregoing and fully understand its import.

IN WITNESS WHEREOF, I place my signature below, this _____ *day of* _____ *19*____.

_____

Signature

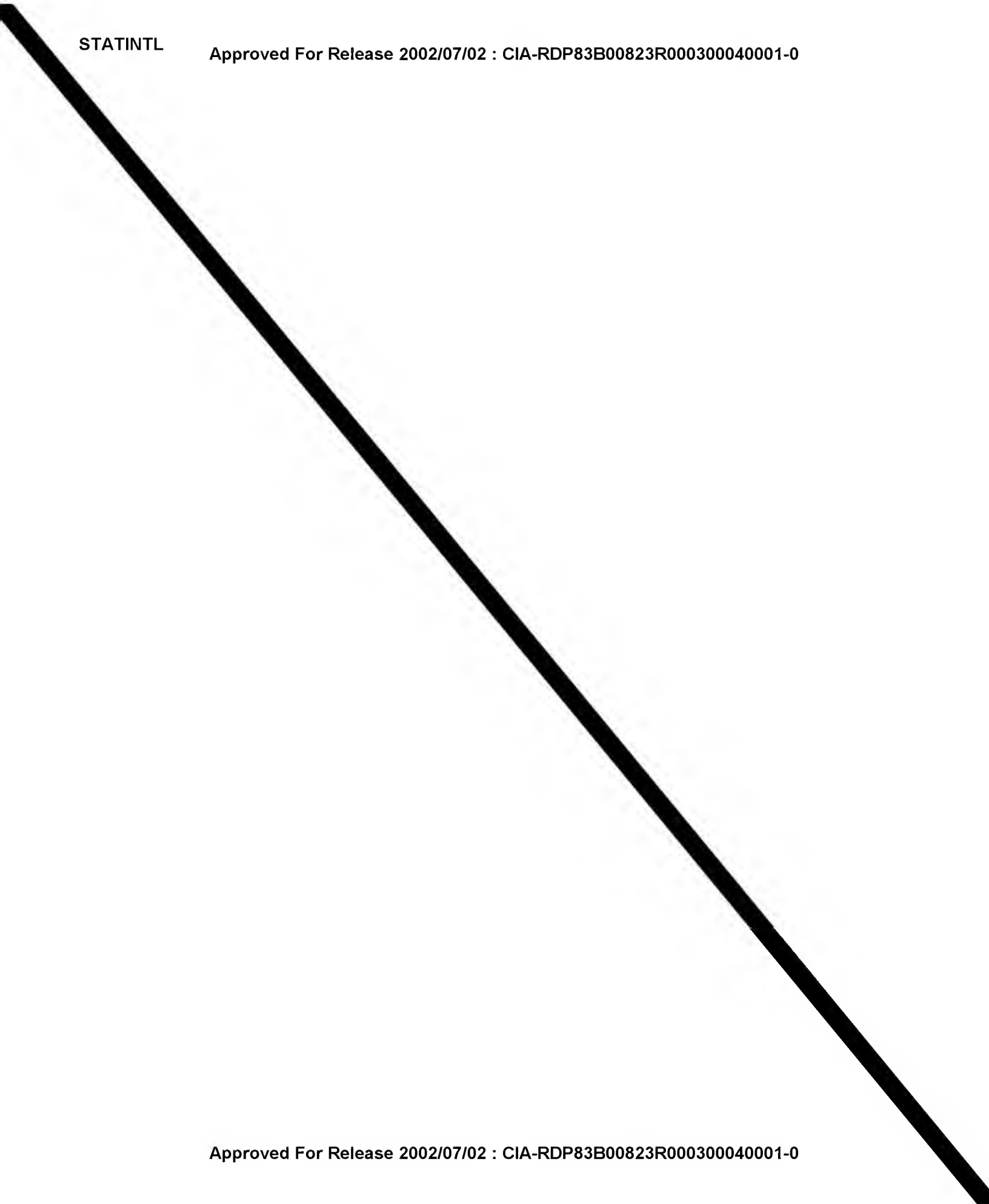
The above was read and signed in my presence this _____ *day of* _____ *19*____.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

_____

Signature

STATINTL
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Executive Regist
74-1751/

24 JUL 1974

MEMORANDUM FOR: Director of Central Intelligence

VIA : Deputy Director for Management and Services
Deputy Director for Science and Technology
Director of Medical Services
General Counsel
Legislative Counsel

FROM : Director of Security

SUBJECT : Release of Material on the Agency's Use of Polygraph to the House Committee on Government Operations

1. Action Requested: It is requested that you approve the attached unclassified responses to questions asked of the Agency following the 5 June 1974 testimony on polygraph before the Foreign Operations and Government Information Subcommittee, House Government Operations Committee.

2. Basic Data:

a. On 5 June 1974 Mr. Harold L. Brownman, Deputy Director for Management and Services, testified before the Foreign Operations and Government Information Subcommittee on the use of polygraph within CIA. The Agency received follow-up questions during the month of July.

b. We have drafted the attached material for your consideration and propose its use as the required response.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

05 40358

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

3. Staff Position: We believe this material is responsive to the Committee's request. It was coordinated with the Director of Medical Services and the Office of Research and Development, DD/S&T.

4. Recommendation: In view of the above, it is recommended that you approve the use of the attached material as the Agency's response to the July questions of the Subcommittee.

STATINTL

Charles W. Kane
Director of Security

Att

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 1 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

QUESTIONS FOR THE CENTRAL INTELLIGENCE AGENCY

1. What is the nature of research by CIA into the subject of polygraph testing and have inquiries been made to DOD to ensure that there is no duplication of that department's research effort?

2. What are the results of the research already performed, and what research is currently under way or planned for early performance?

3. Are there any peculiar training requirements for CIA polygraph examiners that require an in-house training program, separate from those of the FBI or the Army?

4. Are individuals who undergo polygraph tests told of the results of those tests and of the conclusions of the examiner?

5. Why is the individual undergoing the polygraph test told, only if he inquires, whether or not the examination is being monitored or recorded?

6. In fiscal year 1974 has information from or the results of CIA-administered polygraph tests been made known to other Federal agencies or offices in the Executive Branch? Under what circumstances?

7. Is it a requirement, prior to an individual being given a polygraph test, that he be examined by a physician and by a psychiatrist or psychologist? Are such examinations more than an interview?

8. Would you recommend such prerequisite examinations be adopted Government-wide, by all agencies administering polygraph tests?

9. To what extent are full and free discussions by CIA personnel with the President's Foreign Intelligence Advisory Board inhibited by the fact that neither the members of that board nor its Executive Secretary nor any of the Board's employees must take and pass a polygraph test as a condition of appointment or employment?

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

10. Why is it necessary for CIA to use polygraphs for pre-employment screening when the State and Defense Departments and the FBI do not believe it is necessary for their many sensitive jobs?

11. The top two officials of CIA are not required to undergo polygraph testing yet all other CIA officials and employees are. What possible justification could there be for testing all the Indians but not the two biggest Chiefs?

12. What are your views on the advantages that could accrue if responsibility for polygraph examiner training were to be assigned to one agency, consolidated at one or two locations, and standardized as to length, course content, and examining techniques?

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

1. The CIA's polygraph research effort was comprised of an internal data collection program and an external experimental program. The internal program's goals were: (a) to develop a technology to objectively measure and classify the polygraph signals and (b) to assess the utility, reliability and validity of the polygraph to the Agency in its security practices for employment screening. The external program examined: (a) new sensors; (b) alternate modes of question presentation and/or subject response; and (c) various analytic techniques for chart interpretation. The external studies also addressed the issues of reliability and validity.

   The external research effort was coordinated with DOD through attendance at meetings of the Joint Services Group established by the DOD to monitor research. Though the data base of the internal research program was not shared with the DOD members, they were kept apprised of technical developments and problems.

2. Though Agency sponsorship of the external research effort was often classified, the work itself was not and the bulk of it has been placed in the public domain through reports in professional and scientific journals. The decision to publish or not was left to the principal investigators who conducted the studies. By and large, the studies demonstrated that: (a) there is a rational and scientific basis for polygraph; (b) the polygraph is an effective detector of stress (though clearly not infallible); and (c) while several new sensors showed promise, none was sufficiently so to warrant changes.

   The results of the internal research program are based on data pertaining to Agency operations and they therefore have not been disseminated to DOD elements generally. NSA has been briefed on the internal program.

   The current research effort will examine techniques to identify attempted countermeasures. This program was only recently undertaken and there are no results thus far.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

3. This question must be answered in three parts.

(A) There are no peculiar training requirements that require an in-house training program separate from those of the FBI or the Army when training is considered to be limited to familiarization with the mechanical aspects of instrumentation, instrument operation and chart interpretation.

(B) For our needs, the training of an individual must be integrated into a closely supervised, carefully progressive on-the-job program before a determination can be made that he is qualified. We can only do this in-house.

(C) There are also peculiar training requirements which indicate the advisability of a CIA in-house training program when the full scope of application of the polygraph program in CIA is considered. CIA polygraph officers are also intelligence officers and they are required to support the clandestine foreign intelligence operations of the Agency by testing foreign agent assets. This concept is worked into the training program, from the very outset of training, as an integral part of the procedure. Interview formats, test construction, and recommended procedures for the varied situations involved in agent testing are assembled from training materials and charts derived from actual agent interviews. Ethnic and cultural considerations are woven into the training program from its inception so that CIA examiners are offered a totality of preparation for all ranges of possible work experience. Further, CIA polygraph officers are provided courses in intelligence trade craft, operational procedures, and counterintelligence activities. It has been CIA experience that non-CIA polygraph training has not served to satisfy the overall needs of the CIA polygraph program.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

4. No.

5. The polygraph interview situation itself serves as a disturbing stimulus to many people and the additional apprehension which may accompany the knowledge that they are being recorded or monitored is counter productive to the efforts of the polygraph examiner to put the individual at ease. For this reason only, the information is not volunteered by the polygraph examiner to each individual. The individual is told truthfully whether or not the interview is being monitored or recorded whenever the question is asked.

   Following discussions with the Subcommittee on this issue, the Agency has initiated a procedure whereby each applicant will be informed in writing prior to polygraph interview that the polygraph test may be monitored and recorded for purposes of accuracy. We plan on including a statement to this effect in the polygraph agreement which is provided to each applicant before the test. A copy of the modified polygraph agreement is attached. This proposal has now been presented to our Office of General Counsel for coordination.

6. CIA releases information derived from polygraph tests only on request of federal employers. In fiscal year 1974, CIA disseminated information resulting from CIA polygraph tests in 7 cases. In each case, the individual involved was employed or assigned in a civilian or military capacity to a federal department or agency involved in sensitive intelligence affairs or requiring sensitive information in the national interest. Authorization to release this information was obtained in each case from the Deputy Director of Central Intelligence. Subsequent to the

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

authorization, information was passed verbally through established security channels for investigative lead processing only. The receiving department or agency was then to conduct its own independent investigation to substantiate the lead provided by CIA.

7. This question must be answered in two parts.

(A) The procedure followed by CIA in processing an applicant for employment has been structured so that physical examinations and psychiatric screenings are performed prior to the polygraph interview.

(B) The examinations are more than interviews. The examinations are good physical examinations which assist in the determination whether or not the applicant is physically fit for that category of duty for which he is contemplated. Applicants are also psychiatrically screened. Where a mental problem is indicated, a full-fledged evaluation is made.

8. Although the CIA orders its processing so that all candidates for employment are first given medical examinations and screened psychiatrically and believes this is a sound procedure, the CIA refrains from commenting on procedures of other government agencies in administering polygraph tests and from recommending a course of action to be adopted government wide.

9. Full and free discussions by CIA personnel with the PFIAB are not in any way inhibited by the fact that associated personnel are not polygraphed as a condition of employment or appointment.

10. The CIA respectfully refrains from comment on the applicant processing procedures of the Department of State,

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

the Defense Department and the Federal Bureau of Investigation. The CIA has found the use of the polygraph to be a positive assistance in employment screening and personnel investigation. The loss of the polygraph program would have a negative and undesirable effect on the continued secure operations of the Agency.

11. There are only two positions in CIA filled by the President by and with the advice and consent of the Senate. These appointees are subject to whatever screening procedures may be prescribed by the President, or suggested by Congress and approved by the President. Therefore, it does not seem appropriate that CIA require additional screening procedures, such as the polygraph test, for these appointees.

12. There are some advantages that could accrue if responsibility for polygraph examiner training were to be consolidated and standardized. Among these are:

Selection of best training personnel available.

Establishment of criteria for examiner qualifications.

A better overview of government's polygraph requirements and applications.

A potential for contact with commercial efforts on polygraph research, developments and application.

A pooling of experience.

A focal point for government sponsored polygraph research, development and application.

A possible financial advantage.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

As to disadvantages:

A consolidated school would, of necessity, be limited to presenting a general curriculum of polygraph training not designed to accommodate special requirements unique to a specific government agency. As explained in our response to Question 3, a general curriculum divorced from our particular needs and separated from our on-the-job capabilities would be inefficient and time-wasting.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

POLYGRAPH AGREEMENT

I, _____, *an applicant for employment with the Central Intelligence Agency, understand that the Agency uses Polygraph testing as a routine procedure and that every employee of the Agency will be requested to participate in Polygraph tests from time to time. Having been informed of my rights under the Constitution, I agree, of my own free will and without any compulsion, duress, or promise of reward or immunity, to an interview with officials of the Central Intelligence Agency, during which I will participate in Polygraph tests,* and I consent to the monitoring and recording of these tests for the purpose of accuracy. *I have read the foregoing and fully understand its import.*

IN WITNESS WHEREOF, I place my signature below, this _____ *day of* _____ *19*____.

_____
Signature

The above was read and signed in my presence this _____ *day of* _____ *19*____.

_____
Signature

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

FORM 1139a

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

POLYGRAPH AGREEMENT

I, _____, *an employee of the Central Intelligence Agency, understand that the Agency uses Polygraph testing as a routine procedure and that every employee of the Agency will be requested to participate in Polygraph tests from time to time. Having been informed of my rights under the Constitution, I agree, of my own free will and without any compulsion, duress, or promise of reward or immunity, to an interview with officials of the Central Intelligence Agency, during which I will participate in Polygraph tests,* and I consent to the monitoring and recording of these tests for the purpose of accuracy.

I have read the foregoing and fully understand its import.

IN WITNESS WHEREOF, I place my signature below, this _____ *day of* _____ *19*____.

_____

Signature

The above was read and signed in my presence this _____ *day of* _____ *19*____.

_____

Signature

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 2 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OGC 74-1408
22 August 1974

MEMORANDUM FOR: Director of Security

SUBJECT : Proposed Revision of Polygraph Questions

1. The proposed revision of polygraph questions has been reviewed by this Office as requested. It is understood that the intent of the revision is to broaden the definition of the type of organization and activities participation in which is of interest to this Agency.

2. To the extent that some of the questions seem to emphasize interest in mere association with the proscribed group, they do not confirm to the spirit of Executive Order 11785 (Tab A) nor with Civil Service Commission Bulletin 731-1 and attachment (Tab B). These directives make it clear that mere membership in a subversive organization is not a proper test of employee suitability. The important factor is membership with knowledge of the unlawful purpose of the organization and with specific intent to carry out its unlawful purpose.

3. Proposed question 4 makes mere membership in a Communist organization the subject of the inquiry. This is in conflict with Section 2 of the attached Executive Order, which states that the listing of subversive organizations is abolished and shall not be used for any purpose.

4. Proposed question 6 enshrines guilt by association. The inquiry should be directed at an intent to carry out an unlawful purpose.

5. These considerations warrant further revision or addition to the set of polygraph questions. If assistance in drafting questions would be useful, please contact this Office again.

STATINTL

Office of General Counsel

Attachments

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 7 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

SECRET
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

23 OCT 1974

MEMORANDUM FOR: Deputy Director for Administration

THROUGH : General Counsel

FROM : Director of Security

SUBJECT : Standard Agency Age Policy for Applicant Polygraphs

1. Action Requested: It is requested that you approve Office of Security policy that all applicants will be routinely afforded a polygraph examination at age 18.

2. Background: Currently female applicants under 18 years of age are cleared through Secret only and they are not polygraphed. Upon entering on duty, they are given a brief security interview which covers important security matters such as connection with foreign intelligence, communism, possible blackmail, etc. However, no questions concerning homosexual activity are asked.

Girls who are 18 years of age, but not 19, can volunteer to take a polygraph examination and be cleared for Top Secret. Historically this has happened in every case. All female applicants 19 or over are routinely polygraphed during their entrance on duty processing.

The current policy for males under 19 years of age is that a medical approval must be obtained before polygraph. However, it is pointed out that the Office of Security policy is that no one is polygraphed until after a medical approval is given to insure there are no problems in this area prior to conducting such tests.

OS 4 1107

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0
SECRET
25X1

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

3. Staff Position: Since 18 years is now generally considered to be the age of adulthood for most purposes, it is felt Agency policy should recognize this fact and require polygraphs of all applicants who are at least 18 years of age, regardless of sex.

4. Recommendation: It is recommended that you approve the following two elements concerning Agency polygraph policy:

a. All applicants who are 18 years of age will be afforded a polygraph examination on a routine basis following a medical approval.

b. The policy of not polygraphing any applicant under age 18 shall continue. Applicants under age 18 will be afforded a security interview which will cover the important security concerns. Upon reaching age 18 these individuals will be afforded a polygraph interview.

25X1A

Charles W. Kane
Director of Security

CONCURRENCE:

25X1A

John S. Warner
General Counsel

24 October 1974
Date

25X1A

APPROVED 29 OCT 1974

DISAPPROVE

Distribution:
Original - Return to OS
2 - DD/A
1 - General Counsel

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

ILLEGIB
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 24 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Polygraph

ADMINISTRATIVE-INTERNAL USE ONLY

24 November 1975

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : Reactivation of the CIA Reinvestigation Polygraph Program

1. This memorandum is for information only.

2. The CIA Reinvestigation Polygraph Program was inaugurated in 1957 and it developed into a significant Polygraph Program until 1966 when it was suspended. The suspension came about as other more critical demands were being made on CIA polygraph resources which resulted in manpower being dedicated [redacted] STATINTL

STATINTL [redacted]

3. Conditions have stabilized and it is now possible to resume the Reinvestigation Polygraph Program on an Agency-wide basis. The intent of this Program is to focus on repolygraphing two categories of personnel: 1) all CIA employees currently undergoing background investigation

25X1A [redacted]

4. To insure that this Program is administered in a fair and equitable manner, grade or position will have no bearing on any aspect of the Program. All CIA personnel

[redacted] STATINTL

dealing with Reinvestigations) will be scheduled for a reinvestigation polygraph examination.

OS 59573

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

ADMINISTRATIVE-INTERNAL USE ONLY

ADMINISTRATIVE - INTERNAL USE ONLY
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

5. Apropos to your approval on 12 March 1975 for reactivating the polygraph portion of the Reinvestigation Program the Office of Security has resumed the Program for its personnel and approximately 200 staff employees have been successfully and favorably repolygraphed. This has proven to be a sound and beneficial security program and I have asked the Office of Security to reinitiate the Repolygraph Program on an Agency-wide basis in the immediate future.

/s/
John F. Blake
Deputy Director
for
Administration

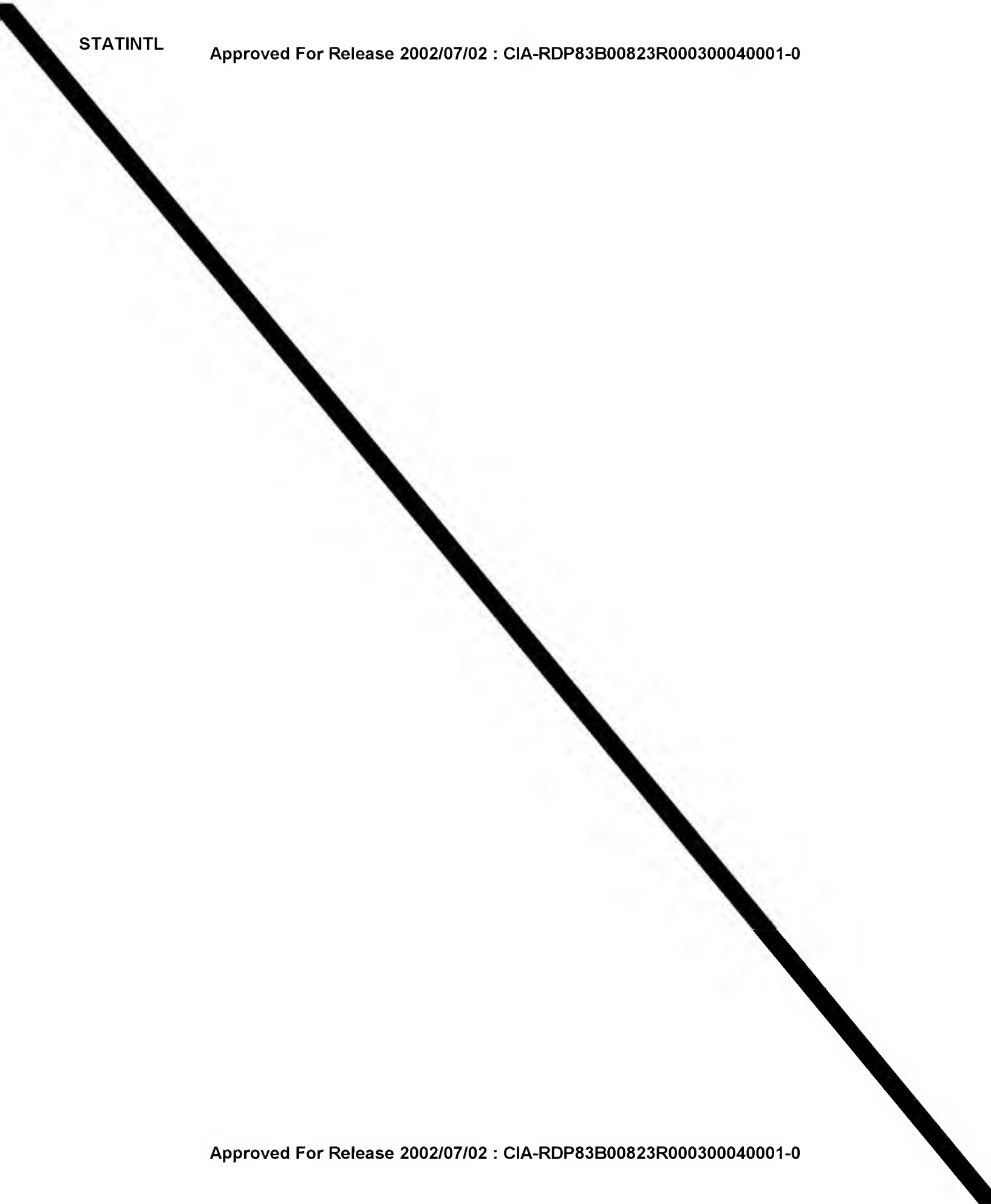
Distribution:
Orig. & 1 - Adse
1 - DDCI
1 - ER
1 - D/DCI/NIO
1 - D/DCI/IC
1 - DDS&T
1 - DD/O
1 - DD/I
1 - General Counsel
1 - Inspector General
2 - DD/A
1 - D/Security
1 - D/Security
1 - OS Registry
1 - C/SSD
1 - IR

STATINTL OS/PSI/SSD/I[redacted]pd (21 November 1975)
Retyped: jm (21 November 1975)

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

No Reply

7 January 1976

MEMORANDUM FOR: Office of General Counsel

SUBJECT : Department of Defense
Polygraph Policy

1. Reference is made to the conversation of this date between [redacted] STATINTL of this office.

2. This will confirm our verbal request of this date that your office review Department of Defense Directive #5210.48 dated 6 October 1975 to ascertain if the previous procedure for requesting an appropriate exemption from the U. S. Civil Service Commission to permit this office to administer polygraph examinations for Department of Defense military and civilian personnel detailed to this Agency is still necessary and/or appropriate. In this connection, a copy of the above cited DoDD and copies of previous correspondence between your office and the Office of the Assistant Secretary of Defense are attached.

3. In the event that you find it necessary to request an exemption, it is understood that your office will initiate same.

4. Please contact [redacted] Jr. of this STATINTL office in the event that you have any questions concerning STATOTHR the foregoing on [redacted]

Xerox
Copy provided to STATINTL

Atts [redacted]

ow 3.12.76

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

31 December 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Repolygraph Program - Miranda Rights

1. On 30 December 1975, at my request, I met with Messrs. John Warner, General Counsel, and [redacted] STATINTL Associate General Counsel, to discuss the application of the Miranda Rights doctrine to the Agency's repolygraph program.

2. After briefly discussing the repolygraph program and the three categories of cases which we could conceivably expect as a result of the program, specific circumstances under which Miranda Rights would be explained to employees were pursued. The three categories of cases are as follows:

a. Cases in which there is no prior knowledge that an employee has engaged in any unlawful or improper conduct;

b. Cases in which the individual is in a limited category of individuals concerning whom there is some prior knowledge that one or more of them may have been involved in an illegal or improper act; and

c. Cases in which specific allegations have been received by the Office of Security that an employee may have been involved in illegal or improper activities.

3. There was much discussion concerning the legal requirements for an explanation of the Miranda Rights to be given to employees in category c. Some doubt was registered as to the need in category b, and it was unanimous that Miranda Rights were not required in category a. However, in order to treat all employees of the Agency exactly the same with reference to the repolygraph program, I proposed that the full Miranda Rights be explained to each

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

individual prior to repolygraph. After an explanation of the Miranda Rights, the employee would be asked to sign the current polygraph agreement, Form 1139. It was further proposed that a recording be made of the Miranda Rights discussion and retained only if the polygraph interview surfaced information concerning illegal or improper activities. In those cases where the polygraph interview was entirely favorable the tape would be immediately erased.

4. Mr. Warner agreed to the above procedure. He advised further that this procedure would fulfill both the legal requirement and the desire of the DCI that every employee be fully informed of his rights under the Constitution.

5. I asked Mr. Warner for his opinion concerning the propriety of continuing an interview to its logical conclusion in the event information concerning illegal or improper activity is disclosed in category a and b cases. I pointed out that his recent memorandum to the Attorney General implied immediate notification of the Department of Justice when information was obtained concerning an illegal act by an Agency employee. As a result of this letter it is unclear when the notification of the Department of Justice must take place. I noted further that common sense seemed to dictate a continuation of the interview until a normal break brought on by fatigue or failure of further cooperation of the interviewee. To do otherwise would jeopardize our chances to obtain essential information, especially in counterintelligence cases. It appeared to me that the appropriate steps would be notification of Department of Justice or FBI and elements of the Agency, such as Office of General Counsel and Inspector General, at the conclusion of the initial interview. A decision would then be made regarding subsequent interviews, by whom the interviews would be conducted, and further processing of the case. It is clearly understood that in category c cases, the Department of Justice and/or FBI would be informed prior to interview.

6. Mr. Warner concurred in the proposal that the initial polygraph interview be carried on to its logical conclusion where information concerning illegal or improper activity is developed and that notification of the FBI or Department of Justice would be made subsequent to the initial interview in category a and b cases.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

7. Mr. Warner suggested that the Office of Security prepare a memorandum setting forth the conclusions reached during our conversation and requesting concurrence by the Office of General Counsel. This memorandum would then provide a record which would reflect agreed upon procedures between the Office of Security and the Office of General Counsel with reference to the Miranda Rights and notification of the Department of Justice in connection with the repolygraph program.

STATINTL

Robert W. Gambino
Director of Security

Distribution:
Orig. - DD/PSI
1 - Chrono
1 - D/Security

GAMBINO:rjw (31 Dec 75)

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

ILLEGIB
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 2 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

POLYGRAPH AGREEMENT

I, _____, an employee of the Central Intelligence Agency, understand that the Agency uses Polygraph testing as a routine procedure and that every employee of the Agency will be requested to participate in Polygraph tests from time to time. Having been informed of my rights under the Constitution, I agree, of my own free will and without any compulsion, duress, or promise of reward or immunity, to an interview with officials of the Central Intelligence Agency, during which I will participate in Polygraph tests. I consent to the monitoring and recording of these tests for the purpose of accuracy.

I have read the foregoing and fully understand its import.

IN WITNESS WHEREOF, I place my signature below, this _____ day of _____ 19____.

_____
Signature

The above was read and signed in my presence this _____ day of _____ 19____.

_____
Signature

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

27feb76

MEMORANDUM FOR: General Counsel

VIA : Deputy Director for Administration

SUBJECT : Reinvestigation Polygraph

1. This memorandum is to confirm courses of action which we discussed during the conference held in the office of the Deputy General Counsel on 9 December 1975. The problem discussed was the manner in which the Office of Security would conduct reinvestigation polygraph interviews of employees when derogatory information is uncovered. Specifically, two different instances were discussed:

Situation a: Instances where allegations have been received by the Office of Security which cast suspicion upon an employee that he or she may have secret associations with foreign intelligence or may have made serious unauthorized disclosures of classified information, both of which instances could involve violations of law.

Proposed Procedure: Under this circumstance, the Office of Security understands that the Federal Bureau of Investigation would be notified before any polygraph is undertaken. Subsequent polygraph would be conducted in coordination with the Federal Bureau of Investigation to resolve the allegations.

Situation b: The other instance is where there is no prior knowledge that an employee has any secret foreign intelligence connections or has made a serious unauthorized disclosure of classified information.

Proposed Procedure: If, during the pre-polygraph interview or during the polygraph examination itself, an employee reveals information concerning the above which may

OS 5 9874

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

involve violations of law, the examiner will continue the interview to obtain sufficient information to determine generally what occurred. He will then advise Chief, Interrogation Branch, who in turn will immediately notify senior officers in the Office of Security. At this point appropriate action will be initiated to inform the Department of Justice.

2. I am attaching a copy of our Polygraph Agreement Form 1139 and a sample copy of the dialogue used by polygraph examiners in briefing subjects prior to the polygraph test.

3. I would appreciate your review and concurrence with the proposed procedures listed above.

STATINTL

[redacted]

Robert W. Gambino
Director of Security

Atts

CONCURRENCE:

_____ _____

John S. Warner
General Counsel

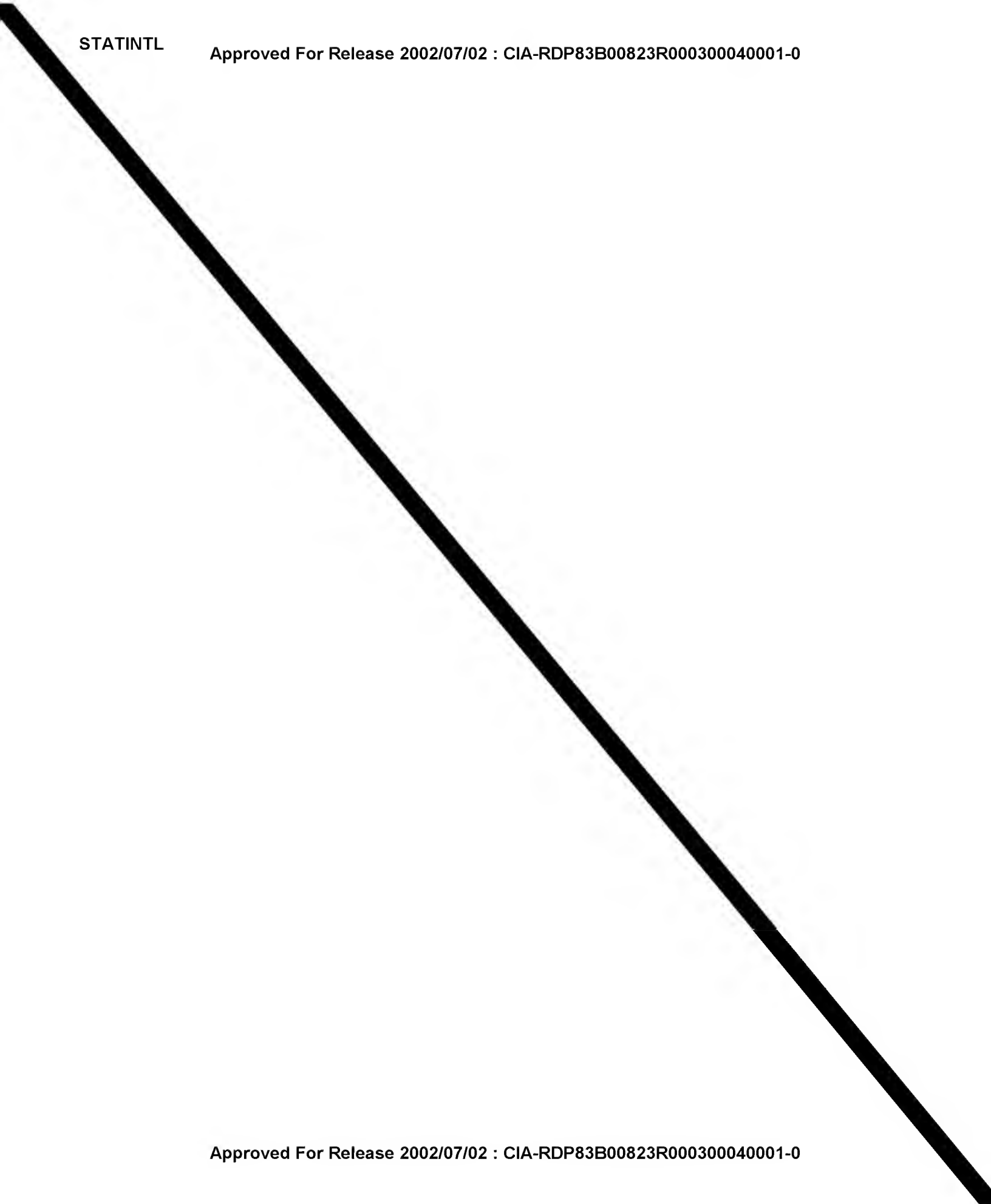
Date

Distribution:
Orig. - Return to OS via DD/A
2 - General Counsel
2 - DD/A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

76-659

OLC 76-0273/a

25 FEB 1976

Honorable Bella S. Abzug, Chairwoman
Subcommittee on Government Information and
Individual Rights
Committee on Government Operations
House of Representatives
Washington, D. C. 20515

Dear Madame Chairwoman:

This is in reply to your letter of 29 January 1976 submitting a copy of the report of the Committee on Government Operations, House Report 94-795, entitled "The Use of Polygraph and Similar Devices by Federal Agencies" and requesting certain comments concerning the Agency's continued use of the polygraph.

If legislation was enacted to prohibit the use of the polygraph by all government agencies for all purposes as recommended on page 46 of the report, it would seriously impair the Director of Central Intelligence from complying with his statutory responsibility under the National Security Act of 1947. I refer to Section 102(d)(3) of the Act which makes the Director responsible for the protection of intelligence sources and methods from unauthorized disclosure. An effective personnel security program is vital to assure this protection.

The polygraph is an integral and essential part of security processing to determine the security eligibility of persons for Agency employment and for operational purposes. As statistics illustrate, during the period 1963 through mid-1974, of those applicants for employment rejected on security grounds, over 60 percent were rejected on the basis of information developed principally or solely during polygraph interviews. In a sampling of recent records, about half of the applicants who had been disapproved on the basis of information developed during polygraph interviews had already completed all other security screening and been provisionally approved on this basis. Without the polygraph program, the disqualifying information on these cases would have remained unknown. In addition, it is reasonable to presume that the program is a significant deterrent to application for employment by unsuitable candidates, and more importantly, penetration attempts by foreign intelligence services.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

05 61105

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

The utility of CIA's polygraph program is not solely a function of its part in contributing information leading to the rejection of unsuitable candidates. The preponderance of polygraph interview reports are favorable. Most of these favorable reports constitute useful and comforting confirmation of other screening procedures; the remainder represent favorable resolutions of allegations or suspicions which otherwise could result in injustices or in unnecessary defensive measures.

The Central Intelligence Agency has consistently urged continuance of its polygraph program in its reports to congressional committees on proposed legislation and hearings concerning the polygraph. We note in the Dissenting Views of your report, on page 56, that on 25 March 1975, based on the hearings held in 1974, that the Subcommittee initially approved a recommendation which would have prohibited the use of the polygraph in all but cases involving national security and for law enforcement purposes provided fifth amendment rights under the Constitution were not violated. This concern for national security was recognized by former Senator Sam Ervin, a strong advocate of individual rights, though he otherwise objected to the use of the polygraph. In his proposed legislation to protect the personal privacy of government employees, introduced during several Congresses prior to his retirement from public office, Senator Ervin expressly excepted the CIA and the National Security Agency from the provision barring the use of the polygraph in Government. Senator Ervin's last bill was S. 1688, Senate Report 93-724, which passed the Senate 7 March 1974.

The CIA is cognizant of the danger of abuse inherent in the use of any instrument used to aid in distinguishing truths from untruths. Consequently, we have adopted strict procedures to prevent abuses and to protect those taking the examination. These include:

--notification to each applicant for employment at the time he is given an application form of the intent to use a polygraph examination in the course of his employment processing;

--coordination with the Office of Personnel and the Office of Medical Services to determine if a polygraph interview is advisable;

--advance written consent of the applicant;

--notification of the privilege against self-incrimination on questions pertaining to violations of criminal law:

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

--reviewing all questions with the applicant before testing;

--limiting questions to those exclusively related to security issues;

--informing the applicant that the examination may be monitored and possibly recorded to let him know there are no hidden procedures;

--random monitoring by a specialized supervisor to insure that no improper questions are asked;

--maintenance of polygraph records in separate files with very strict need-to-know rules governing access;

--prohibition of release of polygraph-acquired information outside the Agency without my approval or that of the Deputy Director and only if such a release is necessary in the interest of national security;

--the polygraph examiner makes no recommendation as to the security suitability of the person tested; and

--evaluation of the polygraph report is but one element in the total personnel security screening program.

With respect to reliability, defined in accordance with scientific convention as the consistency of the interpretations of the polygraph charts, agreement studies were conducted as part of an Agency research program which was initiated partially in response to the hearings held by the Foreign Operations and Government Information Subcommittee in the early 1960's. Numerical results of these studies are complex and would require extensive explanation, but comparisons may be useful. Comparable studies of similar professional groups are scarce but two were found, involving cardiologists evaluating EKG charts for cardiac pathology and psychologists evaluating MMPI test results for psychopathology. The CIA polygraphers' chart interpretations were as good as or better than these two groups.

Finally, the selection of polygraph officers is extremely discriminating as to their qualifications, intelligence, integrity, and high character. They are given a rigorous training program which is a continuing process to keep them abreast of developments in their professional field. CIA has maintained a vigorous research effort inquiring into new techniques and equipment to insure that the highest standards are maintained.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

ER

In view of my statutory responsibility to protect intelligence sources and methods and the proven reliability of the polygraph and the safeguards in its utilization, I must disagree with the recommendation of the Committee. This Agency's personnel security standards must be maintained at the highest levels. Termination of the Agency's polygraph program would increase its vulnerability to hostile penetration and would seriously impact on the Agency's effectiveness in carrying out its foreign intelligence collection mission.

Sincerely,

/s/ George Bush

George Bush
Director

cc:
Chairman, House Government Operations Committee

Distribution:
Orig. - Addressee
1 - DCI
1 - DDCI
1 - DDA
1 - ER
1 - OLC/Subj.
1 - OLC/Chrono

STATOTHR OLC/PLC/dlw[redacted] (20 Feb. 1976)

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

MISCELLANEOUS

MISCELLANEOUS

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM

UNCLASSIFIED | CONFIDENTIAL | SECRET

OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	DDM&S		
2			
3			
4			
5			
6			

	ACTION		DIRECT REPLY		PREPARE REPLY
	APPROVAL		DISPATCH		RECOMMENDATION
	COMMENT		FILE		RETURN
	CONCURRENCE		INFORMATION		SIGNATURE

Remarks:

Harold: You asked me recently about a definitive statement of what constitutes monitoring of telephones. Attached is an internal OGC memorandum on this subject. A copy has also gone to the Office of Security, which is currently working on the proposed STATINTL [redacted] Telephone Monitoring Devices. STATINTL [redacted]

John S. Warner

cc: D/Security

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
General Counsel	4/3/74

UNCLASSIFIED | CONFIDENTIAL | SECRET

FORM NO. 237 1-67 Use previous editions (40)

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OGC 74-0472

26 March 1974

MEMORANDUM FOR: Mr. Warner

SUBJECT: Restrictions on Use of Telephone Recording Devices

1. A Federal Communications Commission (FCC) regulation (47 C.F.R. 64.501) prohibits a telephone company from using any recording device to monitor telephone conversations unless the parties to the conversation are given proper notice that the conversation is being recorded. Such notice is required to be given by the use of an automatic tone warning device--the so-called "beep tone"--which is repeated at regular intervals during the course of the conversation. It is also mandatory that no recording device shall be used unless it can be physically connected to and disconnected from the telephone line or switched on and off.

2. To comply with the above regulation, telephone companies have inserted a similar limitation in their tariff schedules, which are filed with the Federal Communications Commission in accordance with 47 U.S.C.A. 203.

3. It seems clear that the burden of meeting the "beep tone" requirement is on the telephone companies rather than on the users, which creates a rather difficult enforcement problem for this reason. If the "beep tone" requirement is violated, a telephone company can be fined up to $500 for each day of the violation. 47 U.S.C.A. 502. However, the telephone company's only recourse against the subscriber who violates the "beep tone" requirement is to remove the telephone. In practice, the likelihood that a telephone company will take such action against subscribers is very slight. As it was pointed out in OGC 74-0428 dated 8 March 1974, telephone companies are too concerned with First Amendment and monopoly problems since the subscriber has

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

no alternative to their service. Thus, a subscriber who records a conversation without the "beep tone" runs very little risk. It remains, nonetheless, a violation of the tariff schedules filed by telephone companies with the FCC to record a telephone conversation without the use of the "beep tone."

4. Another means of recording telephone conversations is the so-called induction method where a tape recorder is attached to an induction coil placed against a previously installed telephone. This method also violates the FCC regulation unless a "beep tone" is used.

5. In any event, it has been held that no interception occurs when one party to a telephone conversation simply records it for his own use. Parkhurst v. Kling, 249 F. Supp. 315 (D.C. Pa., 1965). Thus, there is no violation of 47 U.S.C.A. 605 which prohibits the interception and publication of telephone and radio communications without the consent of the parties to the conversation. Likewise, there is no violation of the proscription against the wiretapping contained in the Omnibus Crime Act of 1968 (18 U.S.C.A. 2511, et seq.), since no "interception" takes place when one party to a conversation records it for his own use. Smith v. Cincinnati Post and Times Star, 353 F. Supp. 1126 (S.D. Ohio, 1972), aff'd, 475 F.2d 740 (1973).

6. With regard to the use of a microphone or an amplifier to monitor conversations, it also has been held that no interception occurs when a person places a microphone or a radio transmitter in such a position as to record a telephone conversation, since such listening in in no manner interferes with the transmission of the conversation over the telephone wires. Irvine v. California, 347 U.S. 128 (1954), Silverman v. United States, 365 U.S. 505 (1961), United States v. Borgese, 235 F. Supp. 286 (1964). Moreover, it is certain that a telephone company cannot be held responsible for recordings by these devices since the telephone system is not used. When one looks to the essential purpose of the FCC regulation, however, which is to protect the privacy of telephone communications, attempts to make distinctions between mechanical devices attached to telephones and mechanical devices not attached to telephones is meaningless, if the end result is the same.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

7. The Office of Security Duty Office has five tape recorders installed in telephones for the primary purpose of recording conversations involving serious threats to Agency installations, senior Agency officials, and national figures. These recorders are, in fact, also used to record any conversation duty officers think is too complicated to record accurately without the aid of a tape. Attached is a memorandum issued by the Office of Security establishing certain procedures for use of these tape recorders.

8. I discussed the above procedure with Mr. Hilbert Schlossberg of the General Counsel's Office at FCC, who advised me that police departments, fire departments, and the like, also record conversations involving threats, safety and related topics. These organizations usually have an agreement with the local telephone company permitting recordation of the conversations without the "beep tone" or any other notice. If the Agency wants to be absolutely safe in this area, we can attempt to reach a similar agreement with C&P. Whether we decide to do so, however, is a matter of policy.

STATINTL

Assistant General Counsel

Att

JGB:ks

Distribution:
Original - COMMUNICATIONS (OGC 74-0428 filed in Equipment & Supplies)
1 - JGB Signer
1 - Chrono
1 - DDM&S
1 - D/Security

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 17 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

SECRET

Liaison 4

27 August '74

MEMORANDUM FOR: Deputy Director for Administration

FROM : Director of Security

SUBJECT : Assistance to the Department of Commerce

25X1A

REFERENCE : HN [redacted]

1. Action Requested: This memorandum contains a recommendation for your approval.

2. Basic Data: This Office has, in the past, provided Denied Area Briefings to Department of Commerce employees traveling to the Soviet Union or Bloc countries. These briefings were directed primarily to employees holding compartmented clearances.

The Security Office of the Department of Commerce has now come to this Agency with a request for assistance in establishing a briefing-debriefing program with special emphasis on Soviet and Soviet Bloc travel.

This Agency will derive the following benefits, once a professional capability within the Department of Commerce has been established:

a. Department of Commerce representatives can brief their employees who hold Agency compartmented clearances and report the fact to this Office rather than requesting our people to come over and do the briefing.

b. Once a debriefing program is established, we are hopeful of getting feedback from them concerning any incidents occurring to employees holding compartmented clearances. We do not get this feedback now.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

SECRET [redacted]

25X1

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

SECRET

25X1C

Our involvement would amount to about sixteen man-hours spent initially by the Chief, External Activities Branch, Office of Security, and one other employee of that Branch - a GS-14 and GS-13 respectively. We cannot forecast the followup man-hours requirement but do not foresee any great burden.

3. Recommendation: Your approval to provide this type of training is requested.

151
Charles W. Kane
Director of Security

APPROVED: 28 August 1974

DISAPPROVED: _____

Distribution:
Original - Return to OS
2 - DD/A
2 - IG

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

ILLEGIB
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 1 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

SECRET
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

13 Sept 74

MEMORANDUM FOR: Deputy Director for Administration

FROM : Director of Security

SUBJECT : Office of Security Assistance to the Department of Agriculture

25X1A

REFERENCE : [redacted] dtd 25 April 1974, Subject: Agency Assistance to U.S. Federal, State and Local Government Components

1. Action Requested: It is requested that you approve Office of Security assistance to the Department of Agriculture in the form of inspection and accreditation of a secure area for the receipt and storage of classified codeword material.

2. Background:

(a) Mr. Arthur P. Stouerwald, Department of Agriculture Security Officer, has requested that representatives of the Office of Security's Special Security Center inspect and accredit a new Department of Agriculture secure area for the receipt and storage of codeword (SI and TK) material. The Special Security Center previously, in June 1973, inspected and accredited a vault in Room 310-A, Main Agriculture Department Building, for the receipt and storage of SI and TK material; a Department of Agriculture reorganization is forcing the abandonment of this facility, and the creation of a new secure area elsewhere.

[redacted]

25X1

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0
SECRET

OS 40720

ILLEGIB
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 10 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

SECRET
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

22 Nov 74

MEMORANDUM FOR: Deputy Director for Administration

FROM : Director of Security

SUBJECT : Request from the Department of Commerce for Survey of Commerce Security Handling of CIA Classified Materials

25X1A

REFERENCE : HN [redacted] td 25 April 1974, Subject: Agency Assistance to U.S. Federal, State and Local Government Components

1. Action Requested: It is requested that you approve the Office of Security conducting a survey of Department of Commerce security handling of classified CIA materials.

2. Background:

(a) By a letter dated 24 September 1974 (TAB-A) the Department of Commerce, Director, Investigations and Security, Harry C. de Venoge, has requested a survey of the Department's security and documentary control procedures as they pertain to CIA classified materials including Special Intelligence. The request resulted from a meeting of Mr. de Venoge with two representatives of the Office of Security on 16 September 1974, during which he cited several examples of Commerce Department flagrant security mishandling of CIA classified reports, and expressed his general concern that his department was not affording the Agency's classified materials the appropriate degree of security

[redacted]

25X1

OS -1350

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0
SECRET

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

protection. In defense of his own position, Mr. de Venoge said that he had not been advised by the Agency as to who in the Department of Commerce was authorized to receive various reports, what was being delivered, and to whom. Because the primary mission of the Department of Commerce does not ordinarily relate to classified matters, Mr. de Venoge, as its principal security officer, believes that it is necessary that he maintain a continuing oversight of such matters in order to prevent possible serious compromise of classified information.

(b) Previously (in January 1972) representatives of the Office of Security -- at the request of the DDI -- conducted a survey of Commerce's security handling of CIA classified materials. The report of survey concluded that the Department of Commerce was generally complying with the provisions of Executive Order 10501 in its handling of Agency classified intelligence reports. In June 1972, the Office of Security's Special Security Center accredited a Commerce vault area for the physical storage of Special Intelligence materials, following a survey of the facility and subsequent modifications to the facility as recommended by the report of survey.

(c) In order to better assess the importance of the current request, the Office of Security conducted an internal survey of CIA dissemination offices to ascertain what intelligence materials were being sent from the Agency to the Department of Commerce. The results of that survey are attached as TAB-B.

3. Staff Position: Because the Department of Commerce is a non-USIB member department, the CIA retains security oversight responsibility for the intelligence materials it disseminates to Commerce. Mr. de Venoge's expression of concern obviously must be responded to. The CIA Deputy Director of Intelligence is in accord with the conduct of the requested survey.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

4. Recommendation: It is recommended that you approve the conduct of the requested Department of Commerce survey.

/s/
Charles W. Kane
Director of Security

Att

APPROVED : _____

DISAPPROVED: _____

Distribution:
Original - Return to Office of Security
2 - Deputy Director for Administration
1 - Director of Security
1 - OS Registry
1 - SSC Chrono
1 - SSC Subject file [redacted] ILLEGIB
2 - Inspector General
OS/P&M/SSC:mfb (21 November 1974)
era (retype, 22 November 1974)

Agency Assistance to U.S. Federal... under - H.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

27 NOV 1974

MEMORANDUM FOR: General Counsel

FROM : Director of Security

SUBJECT : Use of Termination Secrecy Agreement (Form 305) Where Separation is In Absentia

1. A significant number of personnel are separated from the Agency in absentia due to resignation, retirement, or other reasons. As a result, the usual security out-processing procedures, including the execution of a Termination Secrecy Agreement (Form 305 or 305A) may not be completed in each instance if circumstances would appear not to warrant the additional effort and expense which could be involved.

2. Nevertheless, there are obvious advantages to having the employee reminded of his continuing obligation to protect the security of information that affects the national defense of the United States. The Termination Secrecy Agreement assists in doing this. There remains however, the question whether this document should be dispensed with in absentia situations, especially when the Agency holds a Secrecy Agreement (Form 368 or predecessor form) executed by the employee when he entered on duty.

3. Office of Security deliberations on this matter would be greatly helped if the General Counsel would provide an opinion on the legal need for the execution of the Termination Secrecy Agreement for the following categories of separated personnel:

05 1379

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Persons resigning, retiring or otherwise being separated from Agency employment or use, in absentia for whatever reason, domestically or overseas, when those persons are not under the direct supervision of a [redacted] installation, and who have signed a Secrecy Agreement. STATINTL

4. A further opinion of your Office is requested on the validity of having the Termination Secrecy Agreement executed with or without witness, should the form be mailed to the person for signature and returned to this Agency.

5. Your assistance in this matter would be sincerely appreciated. STATINTL

[redacted]
Charles W. Kane
Director of Security

Distribution:
Orig & 1 - Adse
1 - D/Security
1 - OS Registry
1 - Subject File
1 - EAB Chrono
STATINTL OS:SSD:EAB [redacted] :alb (27 Nov 74)retyped

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OGC 75-3292

11 September 1975

MEMORANDUM FOR: Director of Security

SUBJECT : Termination Secrecy Agreements

1. On 11 July 1975 you sent a memorandum to the Acting Deputy Director for Administration recommending an additional paragraph be included in the Termination Secrecy Agreement. I regret the delay in answering your memorandum but felt there was a bigger problem with the current Termination Secrecy Agreement and therefore was waiting to see what happened with the Marchetti case. At this time, it appears that Judge Bryan will issue a final order in accordance with the Fourth Circuit's opinion. Therefore, I feel we should revise the entire Termination Secrecy Agreement.

2. In its revised form, I think we should refer to this document as a Termination Secrecy Acknowledgment since the courts have determined that there is no consideration for the Agreement when an employee terminates his association with CIA. In my opinion, the thrust of the Termination Acknowledgment should cite the existence of the Secrecy Agreement previously signed by the employee. I would suggest that the Acknowledgment include the language of paragraphs 2, 3 and 4 of form 368 dated February 1974, plus paragraphs 4 through 10, inclusive, of form 305 dated March 1973.

3. The courts have decided that the Secrecy Agreement is an enforceable contract with three major limitations. It may only cover classified material learned in the course of employment with CIA and not placed in the public domain by the U.S. Government. If an employee refuses to sign a Termination Secrecy Acknowledgment upon leaving the Agency, his Secrecy Agreement is still applicable and may be enforced in the courts. I therefore include in this memorandum an answer to your request of 27 November 1974 in which you asked if it was necessary to have a signature on a form 305 where an employee is separated in absentia. It is not mandatory to have a departing employee sign a Termination Secrecy Agreement.

STATINTL

[redacted]

Associate General Counsel

Attachment

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 6 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

DEFENSE COMMUNICATIONS AGENCY
WASHINGTON, D.C. 20505

IN REPLY REFER TO: 240

31 January 1975

Director of Security
Central Intelligence Agency
Washington, D. C. 20505

Dear Sir:

The purpose of this letter is to request that representatives of your agency conduct a Hostile Audio Surveillance Briefing at the Defense Communications Agency. Several years ago your agency provided a similar briefing which was extremely informative and useful. It is intended that the requested briefing would be attended by the General and Flag Officers, senior civilian and certain security personnel. All attendees would have been granted a minimum of a Top Secret clearance.

Urgency is not attributed to this request; however, the current emphasis of our defensive security program makes reasonable timeliness important. If this request is favorably considered, I can be contacted at 692-6991.

Your attention to this matter is greatly appreciated.

Sincerely,

Robert Lawrence

ROBERT C. LAWRENCE
Chief, Security Division

FOR OFFICIAL USE ONLY
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OS 50491

Administrative - Internal Use Only
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

11 FEB 1975

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT : Request for Audio Countermeasures Briefing by Defense Communications Agency

REFERENCE : Letter dtd 31 January 1975 to D/Sec. from Chief, Security Division, DCA (attached)

1. Action Requested: Your approval is requested to respond affirmatively to the attached request from the Defense Communications Agency (DCA) for an audio surveillance countermeasures briefing.

2. Background and Staff Position: The Technical Security Division (TSD) is prepared to conduct a briefing such as that being sought. This Office considers this to be a proper reaction and within the letter and spirit of [redacted] restraints. Our records show that the last such briefing by TSD was delivered at DCA in November 1967.

STATINTL

3. Recommendation: It is recommended that you approve the DCA request.

STATINTL

Charles W. Kane
Director of Security

APPROVED: /s/ John McMahon
19 FEB 1975

DISAPPROVED: _____

Distribution:
Orig - Return to OS
2 - DD/A 1 - IG 1 - OGC
1 - D/Sec.
1 - DD/PTOS
1 - C/TSD
1 - OS Reg.
1 - Chrono

STATINTL OS/DD/PTOS [redacted] (7 Feb 75)

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OS 50401-A

25X1C

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 1 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OGC 75-0972

14 March 1975

MEMORANDUM FOR: Director of Security

ATTENTION : Chief, Policy and Plans Group

SUBJECT : Intelligence Sources and Methods

REFERENCE : Memo for Asst. for Coord./DDA, fm D/Security, Subj: Office of Security Contribution to Sources and Methods Listing, dtd 7 March 75

1. Based on the information in referent and similar submissions from other offices, I have drafted a number of Aspects of the subject which require protection. Attached is a list of most of those Aspects drafted to date. In some cases referent identified a number of documents, reports and files that should be protected. As you will see from the attached listing, I have taken a slightly different approach and am attempting to itemize the substantive information that might be in such documents, reports and files as that which requires protection. Listed below is a tabulation of the Aspects which are intended to cover the paragraphs of referent.

Paragraph(s)	Aspect(s)
1.a.1. and 2.	1, 2, 3, 20, 42, 43, 52, 54 and 62, as well as various substantive Aspects
1.a.3. and 4.	1, 2, 29, 34, 42, 43 and 54
1.b.1. through 6.	3, 20, 54 and 62
1.b.7.	2
1.b.8. and 9.	7, 11, 12, 23, 29 and 43
1.b.10. through 14.	65
1.b.15.	56
1.b.16. through 18.	65
1.b.19.	9, 28, 31, 54 and 65
1.b.21. and 22.	see discussion below
1.b.23. through 25.	29, 34 and 65

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Paragraph(s)	Aspect(s)
1.b.26. through 29.	65
1.b.30.	13 and 65
1.b.31.	19, as well as various substantive Aspects
1.b.32.	3
1.b.33.	9, 28 and 31
1.b.34.	1, 2 and 65
1.b.35.	65
1.b.36.	24 and 65
1.b.37.	1 and 2
1.b.38.	65

2. You may find that some of the other Aspects also relate to your paragraphs. As you will note, some of the Aspects are somewhat broad and others are rather specific. Generally I have tried to draft a rather broad Aspect to cover the particular item requiring protection, but in some cases more specific Aspects were also added for extra protection. You might review the list with that in mind. For example, we could draft a specific Aspect in line with your paragraph 1.b.35. (storage areas). I have not drafted an Aspect regarding the Agency safety programs (paragraphs 1.b.21. and 22.), as I am not familiar with the aspects of those programs that must be protected. Will the broad scope of Aspect 65 offer the required protection?

3. I have made a conscientious effort in drafting the Aspects to differentiate between an activity in which only the Agency association should be protected from disclosure from an activity in which details of the techniques, procedures or equipment associated therewith should be protected. I would ask for your careful review in this regard.

STATINTL

[redacted]

Assistant General Counsel

Attachment

7531

STATINTL [redacted]

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

ILLEGIB

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 4 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25 MAR 1975

MEMORANDUM FOR: Associate Deputy Director for Administration

SUBJECT : Existing Agreements Between CIA and USIB Agencies and Law Enforcement Organizations Involving the Office of Security

REFERENCE : Memo from D/Sec to ADDA, dtd 24 March 1975, same Subject (OS 5 1189)

1. This memorandum is for your information only.

2. This is an addendum to the Office of Security memorandum of 24 March 1975, same Subject.

Defense Intelligence Agency (Polygraph Examination Exemption) - On 13 February 1974 the Director of Security, CIA, requested the General Counsel, CIA, to request an exemption permitting polygraph examinations of DIA personnel assigned to NPIC (Tab A). On 22 March 1974 the Deputy Assistant Secretary of Defense advised the General Counsel, CIA, that he agreed with the request for exemption. In his memorandum of concurrence the Deputy Assistant Secretary of Defense forwarded a copy of his memorandum to the Chairman of the U.S. Civil Service Commission requesting that Commission allow the exemption (Tabs B & C). Office of Security files do not contain copies of the General Counsel's correspondence sent to the Civil Service Commission.

3. Please advise if the Office of Security can be of any further assistance in this matter.

25X1A

for Charles W. Kane
Director of Security

Att

25X1A

ep (25 March 1975)

Distribution:
Orig & 1 - Adse
1 - D/Sec
1 - OS Registry
1 - PPG Chrono

OS 5 1233

25X1

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

CENTRAL INTELLIGENCE AGENCY

Washington, D.C. 20505 OGC 75-1424

9 April 1975

The Honorable Andrew P. Miller
Attorney General of the Commonwealth of Virginia
Supreme Court Building
1101 East Broad Street
Richmond, Virginia 23219

Dear Mr. Miller:

This is in response to your letter to me of 3 December 1974 and to the meeting held in your office on 18 December 1974. The records of this Agency show that Central Intelligence Agency Headquarters property located in Fairfax County, Virginia consists of 219.7865 acres. This property consists of the following parcels:

1. 131.5630 acres transferred from the Bureau of Public Roads, Department of Commerce, by letter dated 15 March 1957, and accepted by the Director of Central Intelligence on 5 April 1957;

2. 6.5930 acres known as the "Leiter Road" transferred by the Secretary of the Interior by document dated 11 September 1956;

3. 13.8227 acres known as the "Viner Tract" which was obtained by condemnation proceedings in the U.S. District Court for the Eastern District of Virginia, 12 June 1963;

4. 12.8279 acres known as the "Rivercomb Tract" which was obtained by condemnation proceedings in the U.S. District Court for the Eastern District of Virginia, 12 June 1963;

5. 11.2039 acres known as the "Travers Tract" obtained by purchase, 19 August 1966; and,

6. 43.7760 acres transferred from the Federal Highway Administration by letters dated 13 January 1972 from the General Services Administration, Region 3, and 21 March 1972 from the Federal Highway Administration.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

The 131.5630-acre and the 6.5930-acre parcels were the subject of the letter to the then Attorney General (Mr. Gray) from the then General Counsel (Mr. Houston) dated 19 July 1961. Note that the only portion of these parcels acquired by the United States prior to 1 February 1940 is the 6.5930 acres which was acquired in 1936 (see deed dated 6 August 1936, a copy of which was attached to said letter). The 131.5630 acres were acquired by the United States Government between 14 October 1940 and 10 May 1941 (the details of which are also described in said letter). These two parcels were the subject of a Deed of Cession of the then Governor and Attorney General dated 31 July 1961 ceding concurrent jurisdiction over crimes and offenses committed on those parcels to the United States pursuant to the provisions of Section 7-24 of the Code of Virginia (1950) which is now found as Section 7.1-21, Code of Virginia (1950) (1973 Replacement Volume). That jurisdiction was accepted on behalf of the United States by Allen W. Dulles, Director of Central Intelligence, on 18 August 1961 pursuant to Section 255 of Title 40 of the United States Code. The Deed and Acceptance are recorded in Deed Book 2039, pages 653 - 658 of Fairfax County, Virginia.

The 43.7760-acre parcel was originally obtained by the United States as parts of several parcels of land purchased in October and November 1940.

Regarding the differing jurisdictional statuses of the various parcels of land which comprise the Headquarters property of this Agency, I agree with your views that they should be made uniform, if possible. I also agree with your opinion that concurrent jurisdictional status seems the most appropriate status for Federal properties within the Commonwealth. Accordingly, it is my view that as that status is now applicable to a large part of our property, it seems appropriate for the entirety of our Headquarters property. I would appreciate your views as to how this can be most expeditiously achieved. In this regard, I have asked [redacted] of my Office STATINTL to discuss this with you in some detail. STATINTL

Sincerely,

[redacted]

John S. Warner
General Counsel

cc: John Mulligan, Esq., Deputy
Assistant General Counsel/GSA
Real Estate Branch/RECD/OL
Headquarters Security Branch/OS

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

GENERAL SERVICES ADMINISTRATION

RULES AND REGULATIONS GOVERNING PUBLIC BUILDINGS AND GROUNDS

Federal Property Management Regulations 41 CFR 101-19.3

1. AUTHORITY. These rules and regulations are promulgated pursuant to Public Law 565, 80th Congress, approved June 1, 1948 (40 U.S.C. 318); and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

2. APPLICABILITY. These rules and regulations apply to all property under the charge and control of the General Services Administration and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations.

3. RECORDING PRESENCE. Except as otherwise ordered, property shall be closed to the public after normal working hours. During normal working hours property shall be closed to the public only in emergency situations when reasonably necessary to ensure the orderly conduct of Government business. The decision to close the property shall be made by the designated official under the Facilities Self-Protection Plan. The designated official is the highest ranking official of the primary occupant agency or an alternate high ranking official designated in advance by agreement of occupant agency officials. Admission to property during periods when such property is closed to the public will be limited to authorized individuals who may be required to sign the register and/or display identification documents when requested to do so by the guard, watchman, or other authorized individual.

4. PRESERVATION OF PROPERTY. The improper disposal of rubbish on property; the spitting on property; the creation of any hazard on property to persons or things; the throwing of articles of any kind from a building; the climbing upon the roof or any part of the building; or the willful destruction, damage, or removal of property or any part thereof, is prohibited.

5. CONFORMITY WITH SIGNS AND DIRECTIONS. Persons in and on property shall at all times comply with official signs of a prohibitory or directory nature and with the directions of law enforcement and other authorized officials.

6. DISTURBANCES. Conduct on property which creates loud or unusual noise; which unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; which otherwise impedes or disrupts the performance of official duties by Government employees; or which prevents the general public from obtaining the administrative services provided on the property in a timely manner is prohibited. The designated official under the Facilities Self-Protection Plan shall be responsible for enforcing this rule.

7. GAMBLING. Participating in games for money or other personal property, or the operating of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on property is prohibited.

8. ALCOHOLIC BEVERAGES AND NARCOTICS. Operating a motor vehicle on property by a person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines is prohibited. Entering property under the influence of any narcotic drug, hallucinogen, marihuana, barbiturate, amphetamine or alcoholic beverage (unless prescribed by a physician) is prohibited. The use on property of any narcotic drug, hallucinogen, marihuana, barbiturate, or amphetamine (unless prescribed by a physician) is prohibited. The use of alcoholic beverages on property is prohibited except on occasions and on property upon which the Administrator of General Services has for appropriate official uses granted an exemption in writing.

9. SOLICITING, VENDING, AND DEBT COLLECTION. Soliciting alms and contributions, commercial soliciting and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts in or on GSA-controlled property is prohibited. This rule does not apply to (1) national or local drives for funds for welfare, health, or other purposes as authorized by the "Manual on Fund Raising Within the Federal Service" issued by the Civil Service Commission under Executive Order 10927 of March 18, 1961, and sponsored or approved by the occupant agencies; (2) concessions or personal notices posted by employees on authorized bulletin boards; and (3) solicitation of labor organization membership or dues authorized by occupant agencies under Executive Order 11491 of October 29, 1969, as amended.

10. DISTRIBUTION OF HANDBILLS. The distribution of materials such as pamphlets, handbills, and/or flyers, and the displaying of placards or posting of materials on bulletin boards or elsewhere on property is prohibited, except as authorized in § 101-19.307 or when such distributions or displays are conducted as part of authorized Government activities.

11. PHOTOGRAPHS FOR NEWS, ADVERTISING, OR COMMERCIAL PURPOSES. Photographs for news, advertising, or commercial purposes may be taken in space occupied by a tenant agency only with the consent of the occupying agency concerned. Except where security regulations apply, or a Federal court order or rule prohibits it, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of an authorized official of the agency occupying the space where the photographs are to be taken.

12. DOGS AND OTHER ANIMALS. Dogs and other animals, except seeing-eye dogs, shall not be brought upon property for other than official purposes.

13. VEHICULAR AND PEDESTRIAN TRAFFIC. (a) Drivers of all vehicles in or on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs; (b) the blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on property is prohibited; (c) except in emergencies, parking in or on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons or continuously in excess of 18 hours without permission, or contrary to the directions of posted signs is prohibited. This paragraph may be supplemented from time to time with the approval of the Regional Administrator by the issuance and posting of specific traffic directives as may be required and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

14. WEAPONS AND EXPLOSIVES. No person while on property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for official purposes.

15. NONDISCRIMINATION. There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, color, or national origin in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on property.

16. PENALTIES AND OTHER LAWS. Whoever shall be found guilty of violating any rule or regulation in this Subpart 101-19.3 while on any property under the charge and control of GSA is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both. (See 40 U.S.C. 318c.) Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated

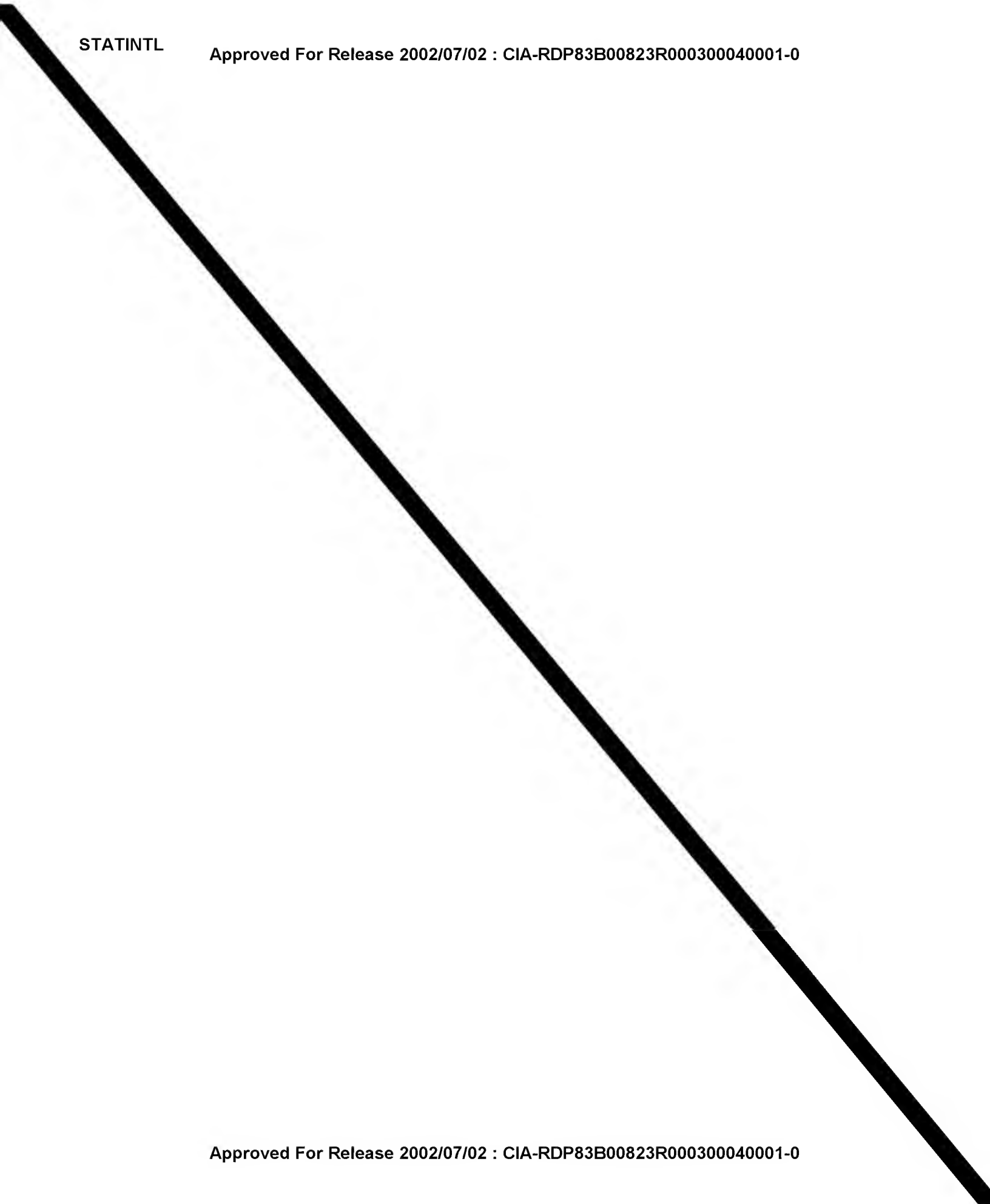
Date September 7, 1973

Acting Administrator of General Services

Figure 19-21. Rules and Regulations Governing Public Buildings and Grounds

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

DD/A 75-1895

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

17 APR 1975

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT : Legal Authority by Which We Control Access to the CIA Buildings and Compound

1. This memorandum is for your information only and is in response to your verbal request for the legal authority by which we control access of the public to our buildings and grounds.

OGC STAT

[redacted]

3. The Federal Register of Saturday, May 15, 1954, page 2833 entitled General Services Administration states: "Director, Central Intelligence Agency, Delegation of Authority with Respect to Appointment of Special Policemen.

> 1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, I hereby authorize the Director, Central Intelligence Agency to appoint not to exceed twenty special policemen, under section 9 of the act of May 27, 1924, as amended (D. C. Code 4-208), to police buildings and grounds occupied in the District of Columbia by the Agency, such authority to be exercised only to protect Agency employees, property, and classified documents and material, or in the event of fire or enemy attack.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

2. The Director, Central Intelligence Agency may redelegate this authority to the Chief, Physical Security Branch.

3. This delegation of authority is effective immediately.

Dated: May 12, 1954.

Al E. Snyder,
Assistant Administrator."

STATINTL

The above authorizes the delegation of the authority which has historically been delegated to the Director of Security and is outlined in Headquarters Regulation [redacted].

4. Further authorization of this control is extracted from a 28 May 1974 General Services Administration Regulation which outlines, among other things, the following:

"1. Authority. These rules and regulations are promulgated pursuant to Public Law 566, 80th Congress, approved June 1, 1948 (40 U.S.C. 318); and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

2. Applicability. These rules and regulations apply to all property under the charge and control of the General Services Administration and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations.

3. Recording Presence. Except as otherwise ordered, property shall be closed to the public after normal working hours. During normal working hours property shall be closed to the public only in emergency situations when reasonably necessary to ensure the orderly conduct of Government business. The decision to close the property shall be made by the designated official under the Facilities Self-Protection Plan. The designated official is the highest ranking official of the primary occupant agency or an alternate high ranking

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

official designated in advance by agreement of occupant agency officials. Admission to property during periods when such property is closed to the public will be limited to authorized individuals who may be required to sign the register and/or display identification documents when requested to do so by the guard, watchman, or other authorized individual."

The above regulations are utilized for controlling access to the compound and Agency facilities in that it authorizes "the decision to close the property shall be made by the designated official under the Facilities Self-Protection Plan" and that official is the highest ranking official of the primary occupant agency or his alternate which we deem to be the Director of Security.

OGC STAT

[redacted]

5. It should be pointed out that during the daylight hours there has always been public access to the compound. In the cases of public transportation (Metro Bus) and any person who comes to the gate who states he is on official business to visit an Agency official is allowed on the compound and directed to the main receptionist.

[redacted] STATINTL

Charles W. Kane
Director of Security

Atts

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

GENERAL SERVICES ADMINISTRATION

RULES AND REGULATIONS GOVERNING PUBLIC BUILDINGS AND GROUNDS

Federal Property Management Regulations 41 CFR 101-19.3

1. AUTHORITY. These rules and regulations are promulgated pursuant to Public Law 566, 80th Congress, approved June 1, 1948 (40 U.S.C. 318); and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

2. APPLICABILITY. These rules and regulations apply to all property under the charge and control of the General Services Administration and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations.

3. RECORDING PRESENCE. Except as otherwise ordered, property shall be closed to the public after normal working hours. During normal working hours property shall be closed to the public only in emergency situations when reasonably necessary to ensure the orderly conduct of Government business. The decision to close the property shall be made by the designated official under the Facilities Self-Protection Plan. The designated official is the highest ranking official of the primary occupant agency or an alternate high ranking official designated in advance by agreement of occupant agency officials. Admission to property during periods when such property is closed to the public will be limited to authorized individuals who may be required to sign the register and/or display identification documents when requested to do so by the guard, watchman, or other authorized individual.

4. PRESERVATION OF PROPERTY. The improper disposal of rubbish on property; the spitting on property; the creation of any hazard on property to persons or things; the throwing of articles of any kind from a building; the climbing upon the roof or any part of the building; or the willful destruction, damage, or removal of property or any part thereof, is prohibited.

5. CONFORMITY WITH SIGNS AND DIRECTIONS. Persons in and on property shall at all times comply with official signs of a prohibitory or directory nature and with the directions of law enforcement and other authorized officials.

6. DISTURBANCES. Conduct on property which creates loud or unusual noise; which unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; which otherwise impedes or disrupts the performance of official duties by Government employees; or which prevents the general public from obtaining the administrative services provided on the property in a timely manner is prohibited. The designated official under the Facilities Self-Protection Plan shall be responsible for enforcing this rule.

7. GAMBLING. Participating in games for money or other personal property, or the operating of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on property is prohibited.

8. ALCOHOLIC BEVERAGES AND NARCOTICS. Operating a motor vehicle on property by a person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marihuana, barbiturates, or amphetamines is prohibited. Entering property under the influence of any narcotic drug, hallucinogen, marihuana, barbiturate, amphetamine or alcoholic beverage (unless prescribed by a physician) is prohibited. The use on property of any narcotic drug, hallucinogen, marihuana, barbiturate, or amphetamine (unless prescribed by a physician) is prohibited. The use of alcoholic beverages on property is prohibited except on occasions and on property upon which the Administrator of General Services has for appropriate official uses granted an exemption in writing.

9. SOLICITING, VENDING, AND DEBT COLLECTION. Soliciting alms and contributions, commercial soliciting and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts in or on GSA-controlled property is prohibited. This rule does not apply to (1) national or local drives for funds for welfare, health, or other purposes as authorized by the "Manual on Fund Raising Within the Federal Service" issued by the Civil Service Commission under Executive Order 10927 of March 18, 1961, and sponsored or approved by the occupant agencies; (2) concessions or personal notices posted by employees on authorized bulletin boards; and (3) solicitation of labor organization membership or dues authorized by occupant agencies under Executive Order 11491 of October 29, 1969, as amended.

10. DISTRIBUTION OF HANDBILLS. The distribution of materials such as pamphlets, handbills, and/or flyers, and the displaying of placards or posting of materials on bulletin boards or elsewhere on property is prohibited, except as authorized in § 101-19.307 or when such distributions or displays are conducted as part of authorized Government activities.

11. PHOTOGRAPHS FOR NEWS, ADVERTISING, OR COMMERCIAL PURPOSES. Photographs for news, advertising, or commercial purposes may be taken in space occupied by a tenant agency only with the consent of the occupying agency concerned. Except where security regulations apply, or a Federal court order or rule prohibits it, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of an authorized official of the agency occupying the space where the photographs are to be taken.

12. DOGS AND OTHER ANIMALS. Dogs and other animals, except seeing-eye dogs, shall not be brought upon property for other than official purposes.

13. VEHICULAR AND PEDESTRIAN TRAFFIC. (a) Drivers of all vehicles in or on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs; (b) the blocking of entrances, driveways, walks, loading platforms or fire hydrants in or on property is prohibited; (c) except in emergencies, parking in or on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons or continuously in excess of 10 hours without permission, or contrary to the directions of posted signs is prohibited. This paragraph may be supplemented from time to time with the approval of the Regional Administrator by the issuance and posting of specific traffic directives as may be required and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

14. WEAPONS AND EXPLOSIVES. No person while on property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for official purposes.

15. NONDISCRIMINATION. There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, color, or national origin in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on property.

16. PENALTIES AND OTHER LAWS. Whoever shall be found guilty of violating any rule or regulation in this Subpart 101-19.3 while on any property under the charge and control of GSA is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both. (See 40 U.S.C. 318c.) Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated.

Date September 7, 1973

Acting Administrator of General Services

Figure 19-21. Rules and Regulations Governing Public Buildings and Grounds

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STAT

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 1 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

24 Apr 75

MEMORANDUM FOR: Deputy Director for Administration

FROM : Director of Security

SUBJECT : Security Support in the Compartmented Area to the Special Advisor to the President on Foreign Trade

1. Action Requested: This memorandum contains a recommendation for your approval. This recommendation concerns the Special Security Center lending assistance in the compartmented area to the Special Advisor to the President on Foreign Trade.

2. Basic Data: Mr. Jerry Jennings, Security Officer for the National Security Council advises that in the past his office has provided storage space for the compartmented information used by Ambassador Frederick B. Dent (former Secretary of Commerce), presently a Special Advisor to the President on Foreign Trade.

The offices of the Special Trade Representative are located at 1800 G Street, N. W. However, the compartmented material is being stored in the NSC vault in the White House.

Mr. Jennings reports that he can no longer support the Trade Representative in this storage situation and is concerned for this compartmented information protection. He has asked the Special Security Center of the Office of Security to conduct a physical survey of the area where the Trade Representative intends to store and handle compartmented information at 1800 G Street, N. W. and to insure that the area meets specifications for the storage of compartmented material.

There will be no reimbursement to CIA by the Trade Representative's Office. This service is provided under the same authority that directs the Special Security Center to act as the broker for all non-USIB government organizations and representatives, in the compartmented area.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0 OS 5 2217

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

3. Recommendation: As the proper handling and protection of compartmented information is extremely important to the security of this country, it is recommended that authorization be granted to give advice and guidance to the Special Advisor to the President on Foreign Trade and to his staff where necessary.

Charles W. Kane
Director of Security

APPROVED: _____

DISAPPROVED: _____

Distribution:
Original - Return to Director of Security
2 - DD/Administration
1 - D/Security
1 - OS Registry
1 - SSC

STATINTL OS/P&M/SSC [redacted] mfb: 4-24-75

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

Mr. Charles W. Kane
Director of Security
Central Intelligence Agency
Washington, DC 20505

APR 2 5 1975

Dear Mr. Kane:

The U.S. Nuclear Regulatory Commission (NRC) is evaluating several personnel access control systems for use in the NRC security program.

We would like to discuss, as soon as possible, this matter (i.e., personnel access control systems) with representatives of your staff.

If this is agreeable, please contact Mr. Calvin Burch, Chief, Protection Branch on 492-7471. Thank you for your assistance in this matter.

Sincerely,

Raymond J. Brady

Raymond J. Brady, Director
Division of Security

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

52300

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Liaison 4.

1 MAY 1975

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT : U. S. Nuclear Regulatory Commission Request

STATINTL

REFERENCE : IN [redacted]

1. Your approval under IN [redacted] is requested to contact the Nuclear Regulatory Commission and respond affirmatively to the attached letter of request. STATINTL

2. With your approval, we will contact Mr. Burch and discuss our current badge and badge machine ideas.

STATINTL

[redacted]

Charles W. Kane
Director of Security

Att

JOHN N. McMAHON

APPROVED: 1 MAY 1975 by CWK

DISAPPROVED: _____

Distribution:
Orig - Return to OS
2 - DD/A
1 - D/Sec.
1 - DD/PTOS
1 - OS Reg.
1 - Chrono
1 - C/PHYSD

STATINTL

OS/DD/PTOS [redacted] lb (29 Apr 75)

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OS 5 2300 A

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 5 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

10 MAY 1974

MEMORANDUM FOR: Deputy Director for Management and Services

FROM : Director of Security

SUBJECT : Routine Agency Assistance to and Arrangements with USIB Agencies and Departments

REFERENCES : A. Headquarters Notice No. [redacted] dated 30 August 1973 STATINTL
B. Director of Security's Memo, dated 19 September 1973; Same Subject

1. Action Requested: That the Office of Security be given approval to render routine assistance to and enter into arrangements with the agencies and departments of the USIB.

2. Background:

(a) On 30 August 1973 a management matter was brought to the attention of the Agency in the form of a Headquarters Notice (HN [redacted] which outlined the Agency's position vis-a-vis assistance rendered to other federal, state and local government departments and components. In essence the Notice set forth a reporting system whereby each Operating Official was obliged to report to his Deputy Director all such assistance or arrangements so that any activity which might be considered illegal, questionable or cause embarrassment to the Agency would be avoided. STATINTL

(b) On 19 September 1973, the recent Director of Security, Mr. Howard J. Osborn, responded to HN [redacted] by citing examples which he felt needed your approval. STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0
ADMINISTRATIVE - INTERNAL USE ONLY

(c) Cognizant of my responsibilities as Director of Security, I have recently examined the matter of rendering assistance to, and entering into special arrangements with the agencies and departments of the United States Intelligence Board. Special emphasis was placed upon that routine support which has arisen out of the day-to-day business of this Office interfacing with the USIB community. I am referring to those routine oral or written requests of common concern and mutual interest which do not fall within the protection of intelligence sources and methods; and which have been directed to past Directors of this Office, and I am sure, will be directed to me in the future. In honoring these routine requests, I realize that, perhaps, we are acting outside the framework of our sole responsibility to CIA, but are doing so for reasons which make sense to me and which are herein submitted for your consideration. Such activities, for example, have included (1) shoring up the security of a USIB agency or department's physical environment (secure areas, etc.), (2) lending security equipment, and (3) providing instructions in security techniques and know-how (letter bomb detection).

(d) Such activity is performed in a spirit of unity and cooperation, and as a consequence enhances CIA's image throughout the USIB community. I am convinced that such routine requests should continue to be met without unnecessarily burdening your busy schedule by seeking your approval each time. In doing so, considerable time, man-hours, secretarial support and related supplies are also saved. In responding to these requests there is no intention on our part to circumvent Headquarters Notice No. [redacted] but to participate as a cooperative member of the USIB environment in consort with the dictates of common sense and effectiveness. STATINTL

(e) The members of my staff who interface with the USIB agencies and departments have been made aware that any unusual or extraordinary request for outside assistance or special arrangements are of vital concern to the Agency, to you, and to me, as well, and must be brought to my attention and approved by you, if an action is warranted.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0
ADMINISTRATIVE - INTERNAL USE ONLY

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0
ADMINISTRATIVE - INTERNAL USE ONLY

3. Recommendation: That this type of routine request for support or special arrangements with the USIB community, outlined herein as examples, be approved by you as activities which fall within the excepted intent of paragraph 7 of Headquarters Notice No. [redacted]

STATINTL

[redacted] STATINTL

Charles W. Kane
Director of Security

APPROVED : _____

DISAPPROVED: _____

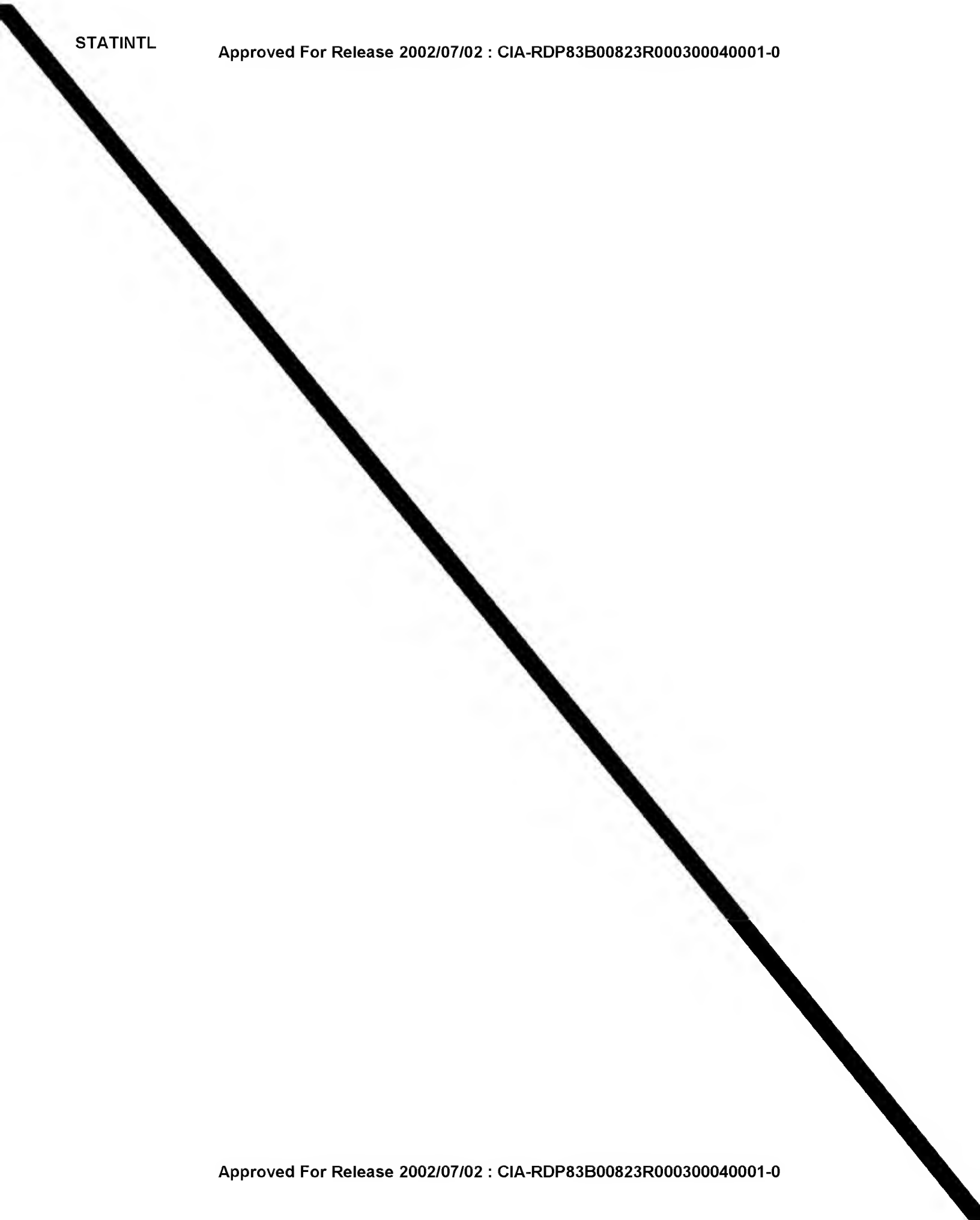
Distribution:
Original - Return to Director of Security
2 - DD/M&S
1 - Director of Security
1 - C/SSC
1 - SSC Chrono

STATINTL OS/P&M/SSC/[redacted]era (3 May 1974)

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0
ADMINISTRATIVE - INTERNAL USE ONLY

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

7 May 1975

MEMORANDUM FOR: Deputy Director for Administration
General Counsel

SUBJECT : Lacunae

1. In the course of the Director's depositions given to the Rockefeller Commission Staff and of his testimony to the Commission itself, there emerged several issues that would seem to require action. (Some of these issues have been discussed at Morning Meetings; the purpose of this memo is to make them part of the record.)

2. Some of our surveillance and investigations indicate that over the years we have used more than one channel to obtain advice and data from the Internal Revenue Service. OGC and the Office of Security have each(and separately) been involved. The law permits any Agency head, with proper justification, to seek IRS assistance on request to the Secretary of Treasury or the Head of IRS. It would seem appropriate to develop an agreed procedure for handling this within the Agency. A single channel, operating with specific approval of the Director in each case, may be the best bet. As a suggestion, how about a directive, signed by the Director, that lays on the procedure?

3. A Presidential directive of 1965 prevents wiretaps in National Security cases unless approved by the Attorney General. We have no set procedure to govern instances wherein we may want to seek such approval. Presumably, the request would be forwarded to the Director for his approval and for his discussion with the Attorney General. Assuming the Office of Security or DDO would initiate such requests, shouldn't we be clear on the procedure? For example, should OGC and perhaps the IG, chop on each request en route to the DCI? Once again, either way, a DCI directive would seem to be the best way to lay on the procedure.

25X1

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

4. The Director has been asked why his 8/29/73 and 6/74 directives have not been incorporated in Agency regulations. He responded by saying many should and would be; some may not be appropriate for regulations. I am sure he would accept DDA determinations either way.

[redacted] 25X1

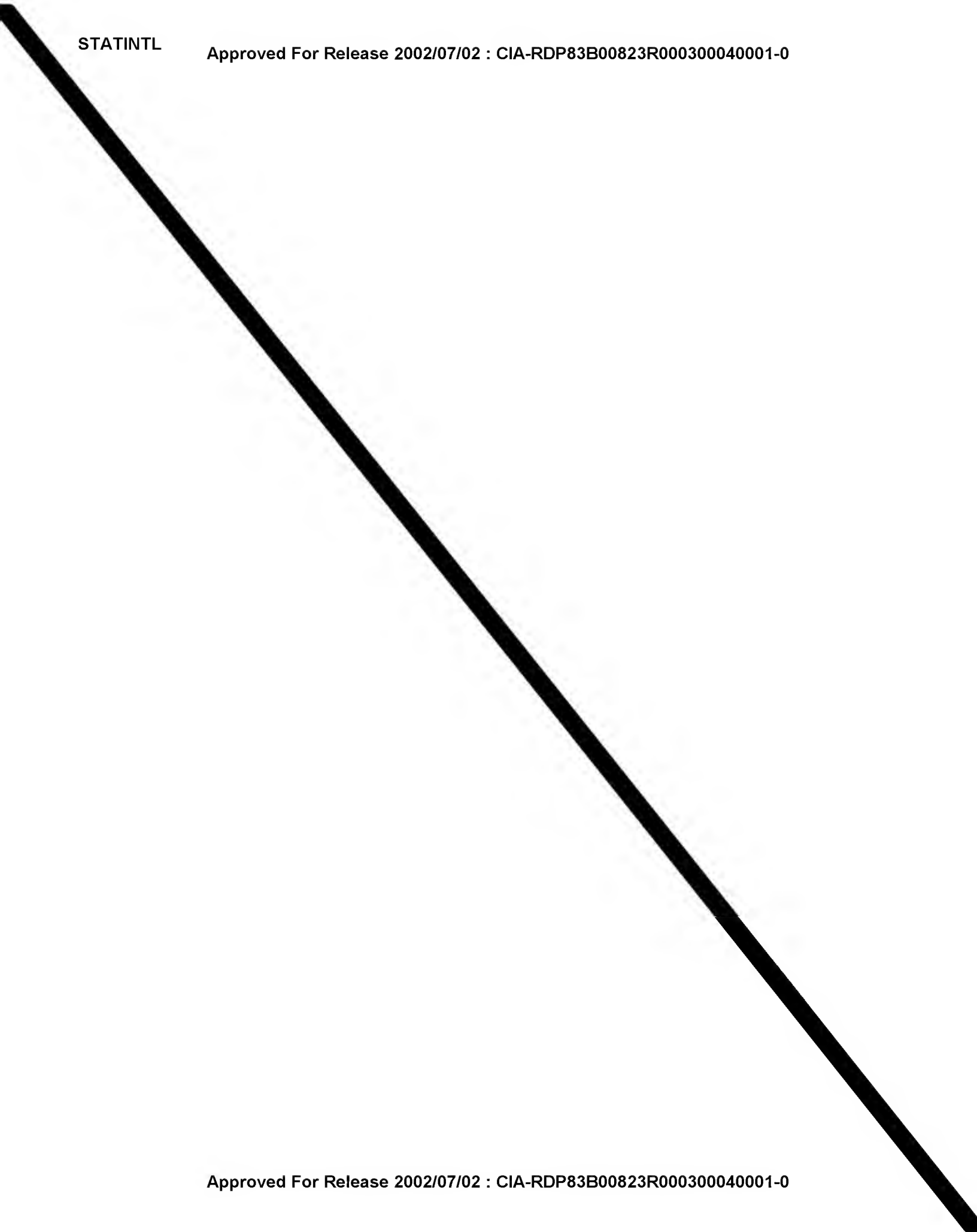
E. H. Knoche
Assistant to the Director, CIA

cc: Inspector General
Chairman, CIA Management Committee
Mr. Ben Evans

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0
SECRET SENSITIVE

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

15 MAY 1975

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT : Lacunae

REFERENCE : Memo from H. Knoche dtd 7 May 75, same subject (DD/A 75-2206)

1. In paragraph 2 of the subject memorandum, Mr. Knoche suggests the issuance of a directive signed by the Director which establishes procedures for requesting data from the Internal Revenue Service. I agree that this would be in order and feel that the channel for routing such requests to IRS should be the Office of General Counsel. I would suggest, however, a copy of any such request be furnished to the Office of Security for Office of Security records.

2. Regarding paragraph 3, Mr. Knoche suggests a directive setting forth the procedure for requesting wiretaps. He indicates that perhaps any request should be routed through OGC or perhaps the IG for staffing. I would agree, and suggest that routing be through the appropriate Deputy Director, through OGC to the Director, and once again with a copy for Office of Security records. I would expect that any such proposal would probably come from the Office of Security, but we would want to insure that we are aware of any proposal not initiated by the Office of Security.

3. Your question, I suppose, is who would prepare such a directive. This would normally come under DDA cognizance so I refer this back to you. If you want this Office to propose such a letter or regulation please let me know.

[redacted] 25X1A

Charles W. Kane
Director of Security

Distribution:
Orig. & 1 - Addressee
1 - OS Registry
1 - Chrono
1 - DD/PSI

DS/CWKane:rjw (14 May 75)

[redacted] 25X1

OS 5 2658A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

ILLEGIB
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 5 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

21 May 1975

MEMORANDUM FOR THE RECORD

SUBJECT : Federal Jurisdiction Over Headquarters Property

STATINTL REFERENCE M/R by [redacted] (OGC 75-1521), Subj: Jurisdictional Status of Agency Property, dtd 11 April 1975

could not locate in OS Registry - REB

1. I called Mr. Gil Haith, Assistant Attorney General of Virginia, today to discuss further the matters covered in referent. I proposed to him that the language of the first half of Subparagraph 1 of Section 7.1-21 of the Code of Virginia 1950 (1973 Replacement Volume) is self-executing and does not require a Deed of Cession from the Governor and Attorney General of Virginia. That part of Subparagraph 1 relates to concurrent jurisdiction over crimes and offenses occurring on the sites therein--the Agency's Headquarters property not qualifying within the scope of any of those types of sites. Mr. Haith explained that to date the Attorney General has taken the position that this part of Subparagraph 1 is not self-executing. I told him that my view was that the language of that part clearly makes it self-executing and he agreed that that seemed to be a reasonable interpretation. That argument is bolstered by the fact that the second half of the Subparagraph provides a procedure for additional jurisdiction when the Governor and Attorney General of Virginia agree that such is appropriate.

2. If this interpretation is correct, there remains one additional problem. That problem relates to the interpretation of the words "such additional jurisdiction" in the second half of Subparagraph 1. There is no indication as to what these words refer. It could be that they refer to concurrent jurisdiction over other than crimes and offenses, it could be that they refer to concurrent jurisdiction over other than crimes and offenses committed on the specified sites or it could be that they refer to

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

additional jurisdiction, including exclusive jurisdiction. Mr. Haith informed me that to date the Attorney General has interpreted this part of Subparagraph 1 to permit additional jurisdiction, including exclusive, to be ceded for the purposes specified within the first half of this Subparagraph.

3. I suggested that if my interpretation of this Section is correct, then the Governor and Attorney General could cede at least concurrent jurisdiction over crimes and offenses to the Agency to cover those parcels of our property added to the Headquarters compound after the execution of the Deed of Cession we have covering the main part of our property. Mr. Haith agreed to take this matter up with the Attorney General and be back in touch with me as to their decision.

STATINTL

Assistant General Counsel

cc: D/Logistics
C/Headquarters Security Branch/OS

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 1 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

23 MAY 1975

MEMORANDUM FOR: General Counsel

25X1A ATTENTION : [redacted]

SUBJECT : Secrecy Agreement - Consultant Contract

1. This memorandum is being submitted as a follow-up to our discussion on 9 May 1975 concerning the standard secrecy agreement paragraph of the consultant contract.

2. As you recall, the consultant contract for 25X1A [redacted] originally contained the following secrecy agreement:

> "Secrecy. By virtue of personal knowledge acquired during this and any previous association you will become privy to employees, associates, plans, programs, methods and the like of this organization, in particular, and the U. S. Intelligence Community, in general. As a direct consequence of this knowledge you agree to keep forever secret, all classified information so obtained; to refrain from presenting a paper writing for publication; making a speech through any media or forum, or other public statement on the subject of intelligence, factual or fictional, if the subject is related to programs and functions of the Agency or other Intelligence Agencies, without the prior authorization of the Assistant to the Director. Violation of such secrecy may subject you to criminal prosecution under the espionage laws of the U. S. and other applicable laws and regulations."

25X1A [redacted] objected to this agreement and the DDI proposed a revised agreement which, as a result of the 9 May meeting 25X1A with you, [redacted] of the Office of Security and

[redacted] 25X1

CONFIDENTIAL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A [redacted] ...f the DDI and the undersigned, was incorporated in a new contract for [redacted] signature. That agree- 25X1A
25X1A(ment which was approved only in the specific case of [redacted] read:

"Secrecy. In the course of this association with the Central Intelligence Agency, you will have access to information that is classified in accordance with Executive Order 11652. All such classified information remains the property of the United States of America. Accordingly you agree:

-- To surrender, upon termination of this contract or at the request of an appropriate Agency official, any classified material you may acquire as a result of your association with the Agency;

-- To submit to the Agency any material you prepare for publication on the subject of intelligence or intelligence sources and methods, prior to showing it to any publishers, editors, or literary agents. (This procedure is for the sole purpose of determining whether it contains any classified information as defined in Executive Order 11652); and,

-- To refrain from divulging, publishing, or revealing any classified information acquired during your association with the Agency to any unauthorized individual without prior written consent of the Director of Central Intelligence or his representative."

3. OGC memorandum 75-1020, dated 19 March 1975, reviewed the concept of appointed versus independent contractor status for the Agency's consultants. That memorandum had been prepared subsequent to the original contract being prepared for [redacted] The standard 25X1A
secrecy agreement suggested for the consultant contract for FY 76 reads as follows:

"Secrecy. By virtue of this contract, you will become privy to employees, associates, plans, programs, methods and other information of the Central Intelligence Agency, in particular, and the U. S. Intelligence Community, in general. As a specific condition of this contract, you agree to keep forever secret, all classified information so obtained; to refrain from presenting a paper,

CONFIDENTIAL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

writing for publication, making a speech through any media or forum, or other public statement on the subject of intelligence, factual or fictional, on a subject related to programs and functions of the Agency or the Intelligence Community, without the prior written authorization of the Director."

4. Since this office must prepare by 9 June 1975 new consultant contracts for FY 76, I would appreciate your opinion as to whether a modification to the secrecy agreement contained in paragraph 3 above should be made. If no modification is necessary, your concurrence below is requested.

[redacted] 25X1A

Chief
Contract Personnel Division

CONCUR:

25X1A [redacted]

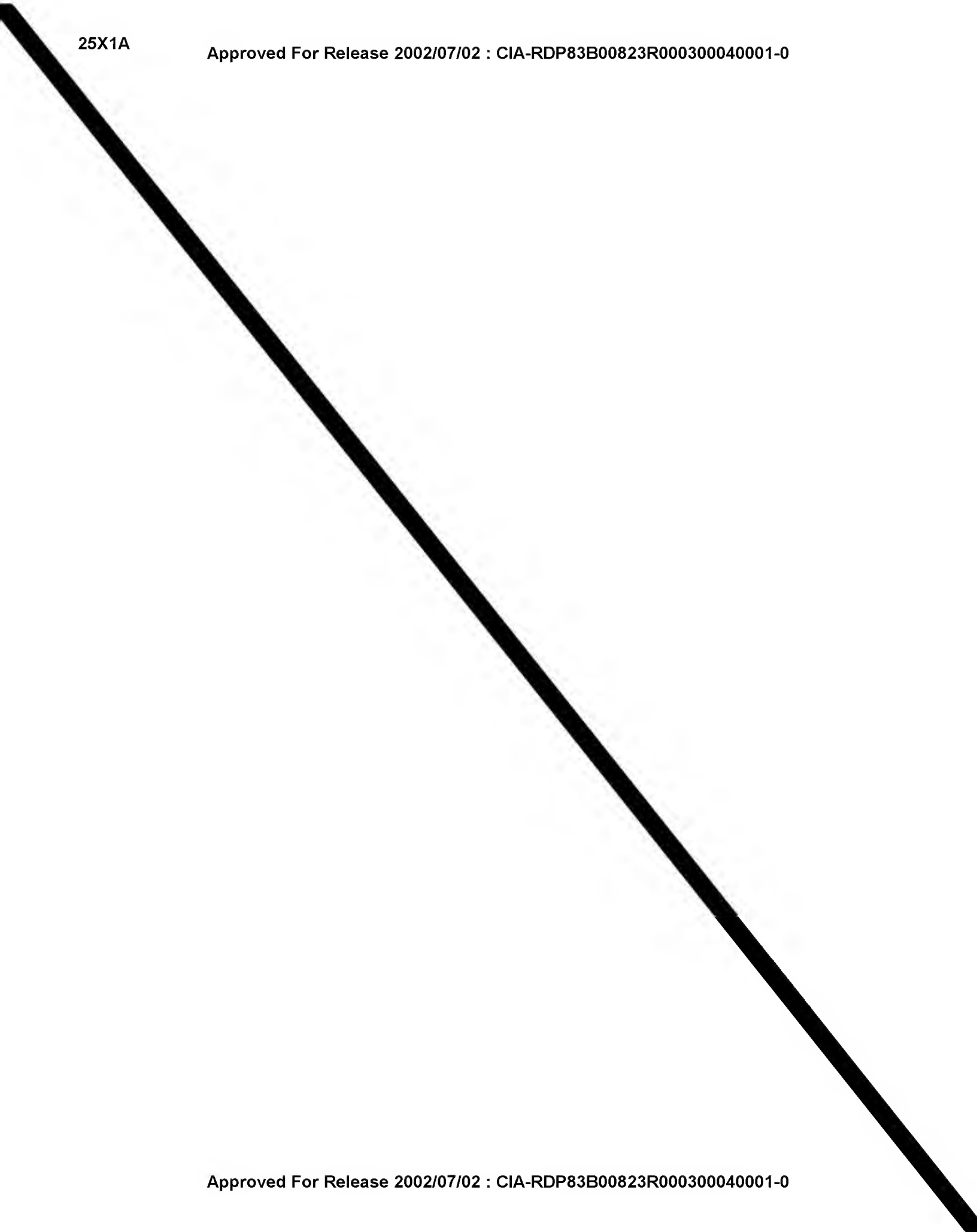
Office of General Counsel

June 5, 75
Date

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

3 OCT 1975

MEMORANDUM FOR: Deputy Director of Security (P&M)

SUBJECT : Termination Secrecy Agreement

REFERENCES : (a) D/Sec memorandum to ADDA dtd 11 July 1975, same subject

(b) OGC memorandum to D/Sec dtd 11 September 1975, same subject

1. Reference (a) addresses the possible need to modify the current Termination Secrecy Agreement in response to a requirement originating with the Director of Central Intelligence. The memorandum was forwarded to the Office of General Counsel (OGC) for coordination. Reference (b) contains their comments.

2. OGC suggests that strong consideration be given to making certain revisions in the current Termination Secrecy Agreement including the substitution of the word "Acknowledgement" for "Agreement" in the title of Forms 305 and 305A. We concur in such changes being adopted for the reasons stated by OGC and have rewritten the Termination Secrecy Agreement incorporating these suggestions. A draft copy of both revised Forms 305 and 305A is being provided you for your review and retention. It should be noted that if the revisions are adopted, certain parallel changes in Headquarters Regulation [redacted] will also be required.

STATINTL

3. It is requested that your office complete whatever additional coordination may be required for approval and implementation of the suggested revisions.

STATINTL

[redacted]

Deputy Director of Security (PSI)

Atts

Distribution:
Orig - Adse
1 - DD/PSI
1 - EAB
1 - EAB Chrono OS:SSD:EAB: [redacted] (2 Oct 75)

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

16 June 75

MEMORANDUM FOR: Deputy Director for Administration

FROM : Director of Security

SUBJECT : Request for Authority to Conduct Security Survey of Department of Interior, Geological Survey Facilities at Reston, Virginia

STATINTL REFERENCE : [redacted] dtd 25 April 1974, Subject: Agency Assistance to U. S. Federal, State and Local Government Components

1. Action Requested: It is requested that the Office of Security be authorized to conduct a physical security inspection of the Department of Interior, Geological Survey Facilities (Bldg E-1), Reston, Virginia, such inspection to include the handling and storage procedures for control of compartmented materials.

2. Background:

(a) The Reston, Virginia facility (Bldg E-1) was originally accredited for the receipt and storage of T/K materials on 17 January 1969. These materials are utilized in the updating of the National Topographic Map Series.

(b) Since the date of accreditation, USGS has leased space in Bldg. E-1 to the Forestry Service, Department of Agriculture, and the Coast and Geodetic Survey, Department of Commerce in an effort to place all U. S. mapping and charting activities in one location where all may share the benefits of a compartmented control center.

[redacted]

STAT

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

3. Staff Position: Because the Department of Interior is a non-USIB member department, the CIA retains security oversight responsibility for the compartmented materials it disseminates to the Department of Interior. Although an inspection has not been formerly requested by USGS, it has been discussed and mutually agreed upon as advisable. This will be a particularly useful undertaking in view of the recent USIB decision regarding declassification of certain T/K materials.

4. Recommendation: It is recommended that you approve the conduct of the inspection specified in paragraph 1 above.

Charles W. Kane
Director of Security

APPROVED : S

DISAPPROVED: _____

Distribution:
Original - Return to Office of Security
2 - Deputy Director for Administration
2 - Inspector General
1 - D/S
1 - OS Registry
2 - SSC

STATINTL OS/P&M/SSC [redacted] fb:6-13-75

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 8 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

21 JUL 1975

MEMORANDUM FOR: General Counsel

VIA : Deputy Director for Administration

SUBJECT : Procedures for Handling Mentally Disturbed Individuals Who Attempt to Enter the Headquarters Compound

1. On 16 July 1975, an individual was dropped off at Gate #1 by a cab driver who stated he had picked him up at Dulles Airport. The individual raised his arms and came at the Federal Protective Officer guarding the gate who immediately subdued and handcuffed him.

2. During the course of interviews at the Gate #1 Gatehouse, the individual exhibited obvious signs of confusion and disorientation. He volunteered that he had escaped from a mental institution in the Chicago, Illinois, area and had come here in response to signals this Agency had sent him via television, and wished to see Mr. Helms. He alluded to visits from angels and commands from heaven and indicated that prior to his escape he had been receiving thorazine twice a day. In response to questioning, he stated that he had no more money and had no local address.

3. When queried concerning obtaining medical assistance for the individual, the U. S. Attorney's Office in Alexandria advised the Federal Protective Officers to drive the individual across the District line and leave him there.

4. In view of his obviously troubled condition, this advice was ignored and contact was made with the Fairfax Police who quickly came to the scene but stated they were powerless to take the individual into custody unless he made some overt illegal act, such as assaulting the Fairfax Police Officer.

STAT

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

5. Having reached this impasse, the assistance of your Office was sought and [redacted] re- STATINTL
contacted the U. S. Attorney's Office. After consultation, the U. S. Attorney instructed the Agency to take the individual to St. Elizabeths (this was later changed to D. C. General Hospital).

6. Two Federal Protective Officers drove the individual to D. C. General Hospital where they were turned away, as we understand it, by the Hospital Legal Officer. They returned with the individual to the Headquarters Compound.

7. When again contacted, the U. S. Attorney's Office called the hospital, talked with the Legal Officer, and are of the opinion - although lacking any form of proof - that the refusal was probably based upon the fact that the individual was being brought to the hospital from this Agency. The U. S. Attorney, Mr. Justin Williams, apologized for our having been given the wrong advice by his Office and then went on to instruct the Agency to take the individual off the Headquarters Compound, onto Fairfax County property, and leave him there.

8. After informing the Fairfax County Police that we were taking this course of action, the individual was turned loose out near Route 123.

9. We are, naturally, troubled by the questionable humaneness of this procedure as well as the propriety of turning extremely disturbed individuals loose upon the countryside. This Office would greatly appreciate your STATINTL
assisting us in contacting the appropriate authorities in order to establish a viable operating procedure for handling this type of individual in the future. [redacted]
STATOTHR extension [redacted] is familiar with this matter and will provide you with any additional information you may require.

[redacted] STATINTL

Charles W. Kane
Director of Security

Distribution:
Orig & 1 - Addressee
1 - DD/A
1 - D/Sec
1 - DD/PTOS
1 - C/HSB
1 - OS Reg
1 - Chrono

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL OS/C/OPS [redacted]

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 5 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25 JUL 1975

MEMORANDUM FOR: Deputy Director for Administration

VIA : General Counsel
Inspector General

SUBJECT : Letter to the Federal Aviation Agency Concerning Agency Policy on the Carrying of Firearms

1. Action Requested: It is requested that you approve sending the attached letter to the Federal Aviation Administration.

2. Basic Data or Background: The Director, Civil Aviation Security Service, Federal Aviation Administration, has written to this Agency asking that we provide the Security Service with a letter stating the policy of the Agency concerning the official need for Agency personnel to carry firearms aboard air carrier aircraft. The letter would be kept on file in the Federal Aviation Administration Headquarters for reference purposes and to eliminate the necessity for direct and separate arrangements with the various air carriers prior to carrying weapons on board commercial passenger-carrying aircraft. The stated overall objective of this request is to promote aviation safety by implementing uniform and proper procedures for the carriage of weapons.

3. Staff Position: Agency personnel rarely carry firearms aboard passenger-carrying aircraft. The only known occasions over the past several years have been when a member of the DCI Security Staff has accompanied the Director or Deputy Director in their travels. Complying with the request and the filing of the attached letter in Federal Aviation Agency Headquarters should help to prevent unnecessary difficulties and delays when members of the DCI Security Staff go through air carrier screening procedures.

OS 5 5291

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

The law enforcement disclaimer expressed in the first paragraph of our proposed response was caused by the use of the term "Law Enforcement Officials" throughout FAA Advisory Circular 121-18 which accompanied the request from the Security Service. It is clear from the text of the Circular as well as the text of U. S. Federal Aviation Regulation 121-97 that they are really referring to any "official or employee of the United States" and, as we point out in the disclaimer, are using law enforcement officials as a convenient shorthand term. This interpretation has been substantiated in a telephone call to the Civil Aviation Security Service.

4. Recommendation: It is recommended that you approve sending the attached letter to the Federal Aviation Administration.

STATINTL

Robert W. Gambino
Acting Director of Security

Att.

CONCURRENCE:

/s/ 7 Aug 1975
John S. Warner
General Counsel
Date

/s/ 8 Aug 75
Donald F. Chamberlain
Inspector General
Date

APPROVED: 8 Aug 75

DISAPPROVED: _____

Distribution:
Orig - Return to OS
2 - DD/A
1 - OGC
1 - IG
1 - D/Sec
1 - DD/PTOS
1 - C/PhySD
1 - C/DCI Sec Stf
1 - OS Registry
1 - Chrono

STATINTL

OS/C/OPS 25 Jul 75

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

25 JUL 1975

Mr. Richard F. Lally, Director
Civil Aviation Security Service
Federal Aviation Administration
Department of Transportation
Washington, D. C. 20591

Dear Mr. Lally:

In response to your request of 16 July 1975, I have outlined below the policy of this Agency concerning the official need for our personnel to carry firearms aboard air carrier aircraft. I must point out at the outset that these personnel are not law enforcement officials in any sense of the word. However, based on your conversation with Mr. Charles Kane on 22 July, I understand that the term "Law Enforcement Official," as used in Advisory Circular 121-18, is employed as a convenient shorthand term for "An official or employee of the United States who has official authorization to carry firearms."

OGCSTAT

By internal regulation, the authority for the issuance and control of firearms rests with the Director of Security who must insure that each individual is competent and qualified in the use, handling, and care of firearms and that the security factors present in each situation warrant the carrying of firearms by that individual.

Agency employees authorized to carry firearms possess Agency credentials which identify them as employees and bear a clear full-faced picture, the

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

employee's signature, and the signatures of both the Director of Central Intelligence and the Director of Security. They also possess Agency firearm credentials bearing the same information as outlined above.

It has been the policy in the past to severely limit those occasions on which the carrying of firearms is authorized, and this policy will be continued in the future. For the most part, these occasions will involve the accompaniment of the Director or Deputy Director of Central Intelligence, or other senior officials, and the concomitant transportation of sensitive material.

This Agency greatly appreciates your cooperation. If there is any further information you need, please let me know.

Sincerely,

STATINTL

Robert W. Gambino
Acting Director of Security

Distribution:
Orig - Addse
1 - DD/A
1 - OGC
1 - IG
1 - C/DCI Sec Staf
1 - D/Sec.
1 - DD/PTOS
1 - OS Reg.
1 - Chrono

STATINTL OS/ADD/PTOS [redacted] ml (23 Jul 75)

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

WASHINGTON, D.C. 20591

JUL 16 1975

STATINTL

[redacted]

Chief, Director of CIA Staff
Room 7D60
Langley, Virginia 20101

STATINTL Dear [redacted]

As you may be aware, problems have developed over a period of years involving the carriage of weapons aboard aircraft and the transportation of persons in custody of law enforcement officers. These situations represent potential threats to aviation safety. In addition, law enforcement officers have encountered difficulties in both areas because of the lack of uniform procedures which sometime result in airlines or pilots refusing to carry armed officers or to transport prisoners.

In recognition of these problems, the Federal Aviation Administration (FAA) issued an amendment (121-118) to Part 121 of the Federal Aviation Regulations (FARs) which becomes effective on July 20, 1975. The intent of the regulation is to reduce to an absolute minimum the number of weapons being carried aboard commercial passenger carrying aircraft and to establish safe procedures for the transportation of persons in the custody of law enforcement officials. Copies of the rule and related Advisory Circular are enclosed.

It is not the intention of the FAA to hinder Federal officers in the performance of their duties, but rather to assist them. We do, however, request the cooperation of all agencies to eliminate the unnecessary carriage of weapons aboard commercial passenger carrying aircraft. We met with representatives of the air carriers and with the Federal agencies affected for the purpose of developing effective and practical procedures concerning the carriage of weapons aboard aircraft and the air transportation of prisoners. We believe this has been achieved.

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Federal officers who find it necessary to carry firearms aboard air carrier aircraft will be required under the new rule to notify the air carrier at least one hour in advance wherever possible. They must also present identification that includes a clear, full face picture, the officer's signature and the signature of an authorized official of his service or the official seal of his service. The officer must also have an official need to carry the weapon aboard the aircraft. This determination will be made by the individual officer based on the policy of his agency.

Only those weapons which may be required for the performance of official duties by the officers while in-flight or during the period between baggage check-in prior to enplaning and baggage return upon deplaning should be carried.

It is requested that each agency provide the FAA Civil Aviation Security Service with a letter stating the policy of the agency concerning the official need for their personnel to carry firearms aboard air carrier aircraft. These letters will be kept on file in the FAA Headquarters for reference purposes and will eliminate the necessity for direct and separate contacts between the various agencies and the air carriers.

Aviation safety is our objective. The implementation of uniform and proper procedures for the carriage of weapons aboard aircraft and the air transportation of prisoners is vital to safe air transportation. It is believed that adherence to the prescribed procedures will assure that authorized law enforcement officers are boarded without interference and a minimum of inconvenience. At the same time, additional safeguards for the safety of air travel will have been adopted beneficial to all.

We respectfully request the continued support of your agency.

Sincerely,

Richard F. Daly

RICHARD F. DALY
Director, Civil Aviation Security Service

Enclosure

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 4 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/01/02 : CIA-RDP83B00823R000300040001-0

FOR OFFICIAL USE ONLY

DEFENSE NUCLEAR AGENCY
WASHINGTON, D.C. 20305

OAIS

22 August 1975

Director of Security
Central Intelligence Agency
Washington, D.C. 20505

Dear Sir:

It is requested that representatives of your agency conduct a Hostile Audio Surveillance Briefing at the Defense Nuclear Agency. A member of my staff recently attended a presentation by your Technical Services Division at the Defense Communications Agency, and found it to be highly informative. I am certain the briefing would provide Lt Gen Johnson, Director, DNA, with a significant insight into the hostile Audio Surveillance threat.

Attendance at the briefing would be limited to General Officers and senior civilian and military personnel. All persons attending will have been granted, as a minimum, a TOP SECRET clearance. The DNA action officer and point of contact is Mr. Pat Klotz, telephone number: 235-7402.

Your attention to this matter is greatly appreciated.

FOR THE DIRECTOR:

LOUIS OKYEN
Colonel, USA
Director for Intel & Scty

FOR OFFICIAL USE ONLY

Approved For Release 2002/01/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 6 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OGC 75-3393
18 September 1975

STATINTL

MEMORANDUM FOR: [redacted]

SUBJECT : Aspects of Intelligence Sources and Methods

1. Attached is the final list of the Aspects of Intelligence Sources and Methods. Hopefully I have incorporated all the thoughts each of you has given me pursuant to your initial responses and your recent review of the first draft of the list. If you find the Aspects offer satisfactory coverage for your activities, would you so advise [redacted] who will be coordinating for the DDA, prior to 19 September. I will leave it to your judgment as to the degree you want to involve the head of your office. If you have comments or problems, please call me as soon as possible so those can be resolved prior to the date of our going forward to the Director. STATINTL

2. We have tried to organize the Aspects into broad subject groups. While in most cases this is possible, there is some overlap in that some Aspects relate to more than one of the groups. I hope such grouping will facilitate your review. Grouping the Aspects required renumbering them. I have attached cross-reference lists showing the old and new numbers. OGC STAT

[redacted]

OS 58316

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Such a determination can then be considered for use in injunctive cases such as Marchetti and in Freedom of Information cases in conjunction with exemption 3 of the Freedom of Information Act (FOIA). The determination is not associated with the classification system as currently defined and prescribed in Executive Order 11652. As a practical matter, the listing will, in effect, become a definition of what constitutes intelligence sources and methods.

4. In this regard, the Agency secrecy agreement will have to be modified in order that a separate contractual agreement will protect intelligence sources and methods from unauthorized disclosure. This separate protection will be in addition to the current secrecy agreement regarding the protection of classified information.

5. Documents containing Aspects of Intelligence Sources and Methods will have to be marked indicating same. This, of course, is independent of any markings because of classification pursuant to E.O. 11652.

OGC STAT

OGC STAT

6. After adoption by the Director, regulations will have to be promulgated to establish procedures regarding the Director's determination. Included therein should be, among other things, procedures for review and update of the list of Aspects and the consequences of disregard or violation of the procedures.

7. As many of you know, the general philosophy in drafting the Aspects has been to include both general and specific Aspects which may have overlapping application. If the general Aspect can be used in a specific case, we will avoid disclosing specifics; however, in many cases the particular office concerned has suggested including a more specific Aspect in order to have an alternative should the specific case dictate its use. Obviously, there is wide latitude here. Lacking further guidance as to what standards courts will apply

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

in either an injunctive or FOIA case, it is my view that at this time the Agency will have to depend to a large extent on the views of the office within the Agency that has primary responsibility in the area that is the subject of the particular Aspect, together with legal advice from this Office. There have been several suggestions regarding merging certain Aspects. I have tended to separate related Aspects so that when we are required to use one of them, we disclose as little of our operations as possible. Obviously, this separation can be only a matter of degree but as the Aspects as written seem to satisfy the components that originally suggested them, I am somewhat wary of major modifications thereto.

8. The list of Aspects represents considerable effort by all components of the Agency. This Office believes that the product of the resultant list was certainly worth the effort. It is our opinion that the implementation of an intelligence sources and methods protective system will offer significant protection of assets of this Agency that has heretofore gone unrealized. We are very appreciative of all the efforts that each of you has made to this undertaking.

STATINTL

Assistant General Counsel

STATINTL

Attachment

cc

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 9 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0
Administrative - Internal Use Only

30 OCT 1975

MEMORANDUM FOR: General Counsel

STATINTL ATTENTION : [redacted]

THROUGH : Deputy Director for Administration

SUBJECT : Proposed Letter to the Justice Department re Procedures for Reporting Title 18 Violations

REFERENCE : Request from OGC for comments on Subject Letter, dated 14 October 1975

1. Pursuant to referenced request, the following comment is forwarded for your consideration: Subparagraphs 1 and 5 appear to be inconsistent relative to the Miranda Warning afforded an individual suspected of committing a crime.

2. Subparagraph 1 provides that, when interviews of suspect individuals are necessary, Miranda Warnings will be given. Subparagraph 5, however, refers to such interviews as essentially administrative; and, as such, do not require apprising the individual of the Miranda Right of an attorney. Instead, the individual will be informed, prior to questioning, that he has a constitutional right to remain silent and that anything he says can and will be used by CIA as evidence for disciplinary action against him or be used for possible prosecution by federal, state or local authorities.

3. It is felt that any individual suspected of violating Title 18 of the United States Code, regardless of the extent of suspicion, should be advised regarding all the provisions of the Miranda Warning including the right of an attorney. Therefore, it is recommended that Subparagraph 5 be so revised. STATINTL

ILLEGIB [redacted]

[redacted]

Robert W. Gambino
Director of Security

Distribution
Original & 1 - Adse
2 - DDA

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0
Administration - Internal Use Only

OS 5 8903-A

25X1C

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 5 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

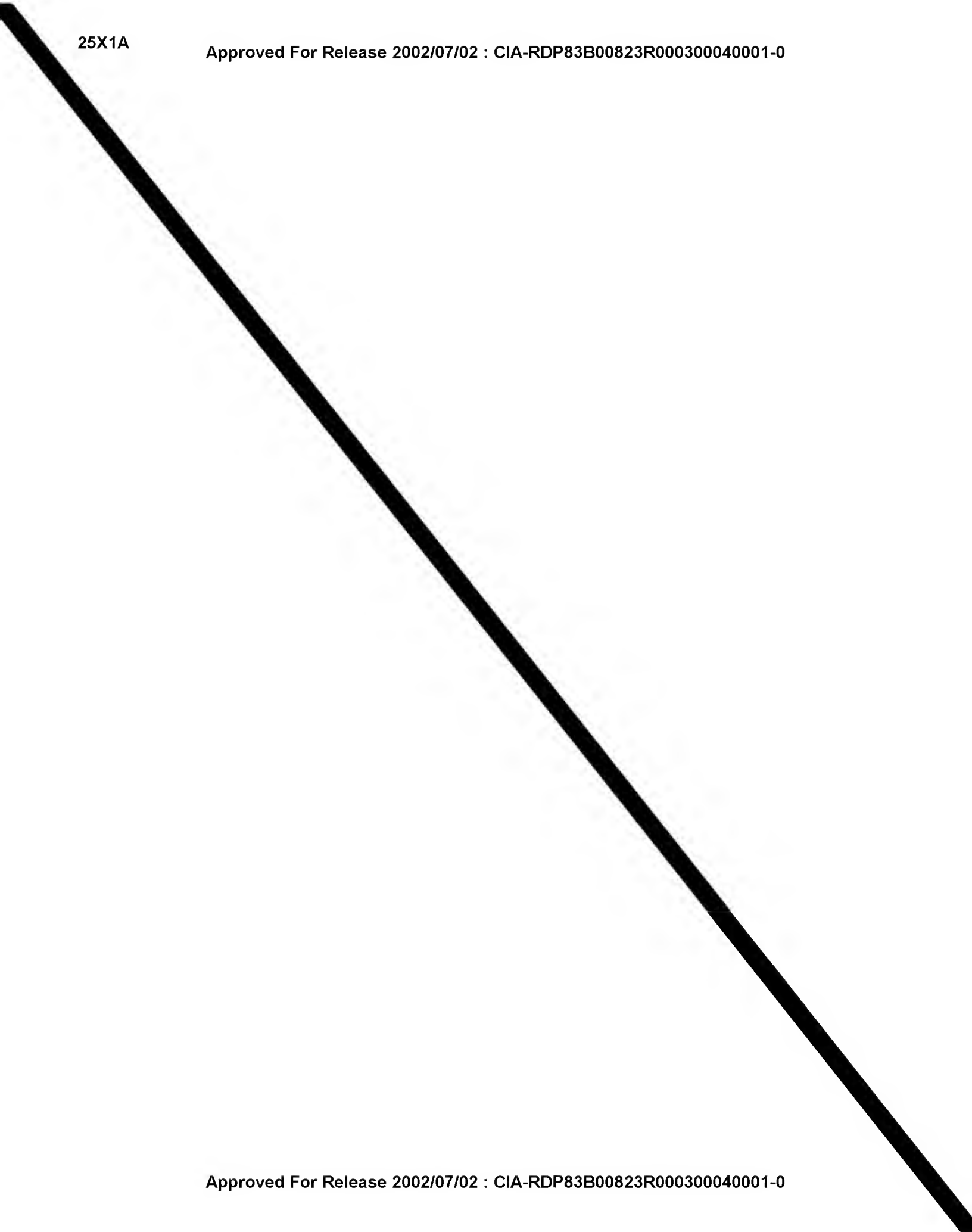
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

REFERENCE

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

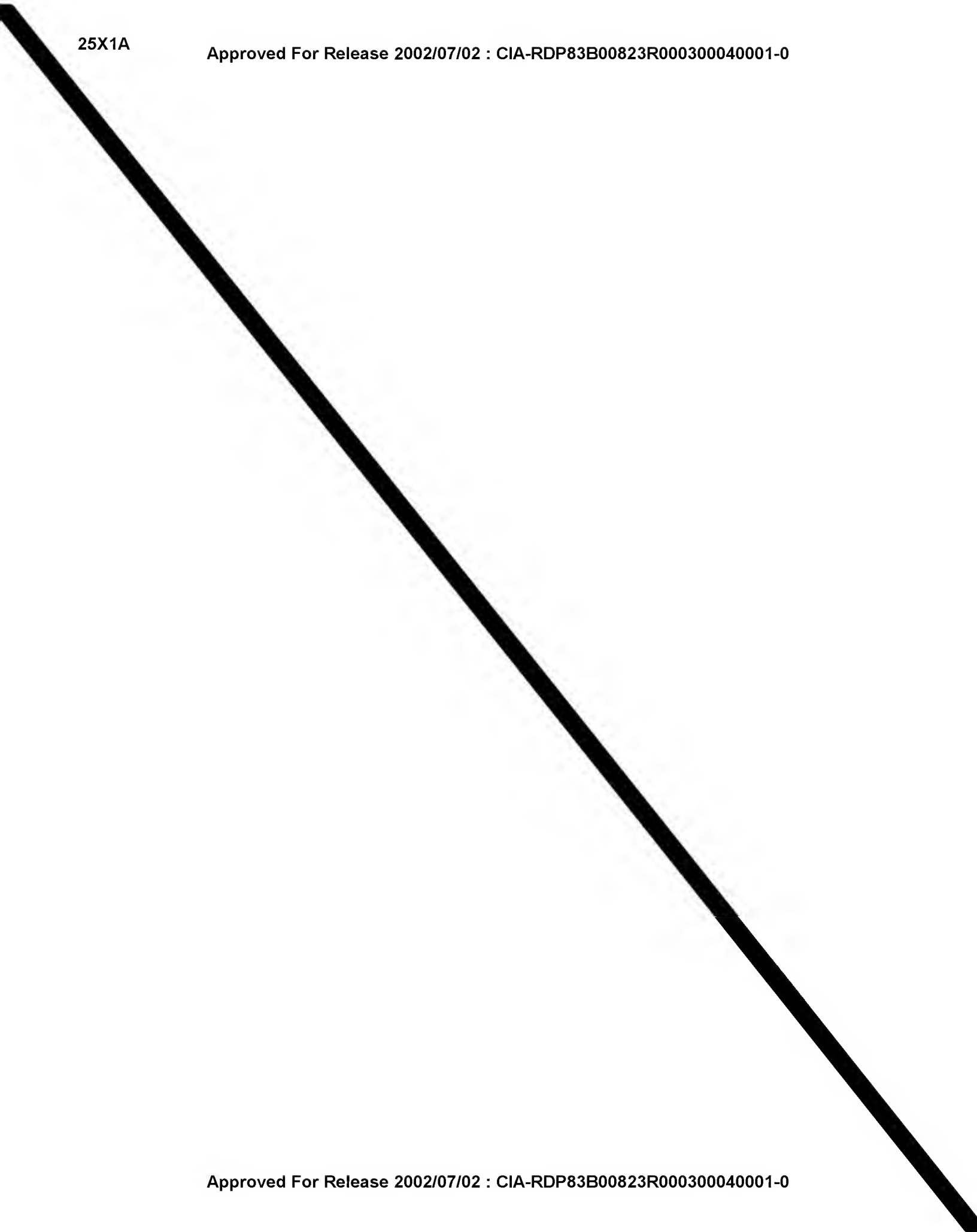
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

REFERENCE

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

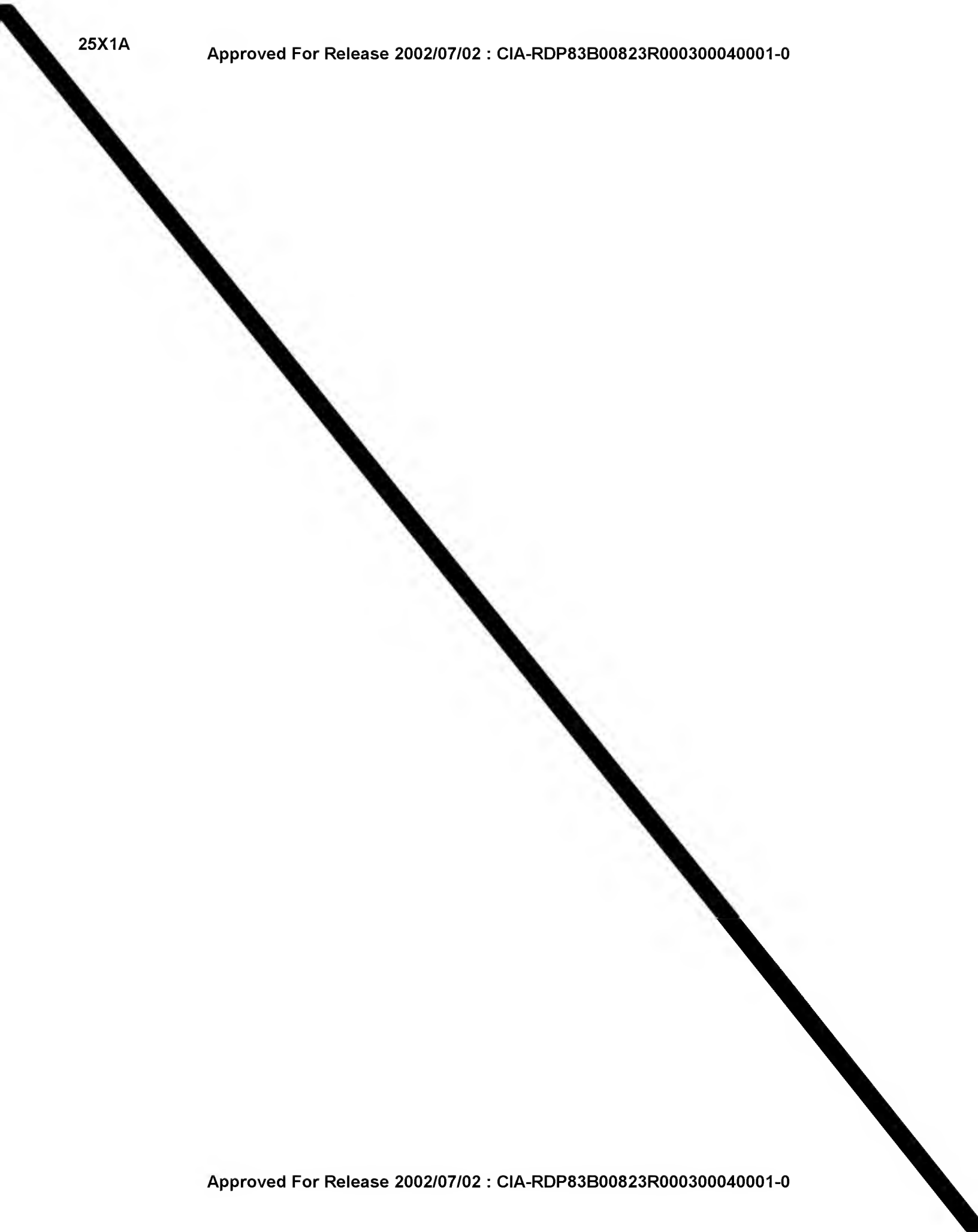
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

REFERENCE

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

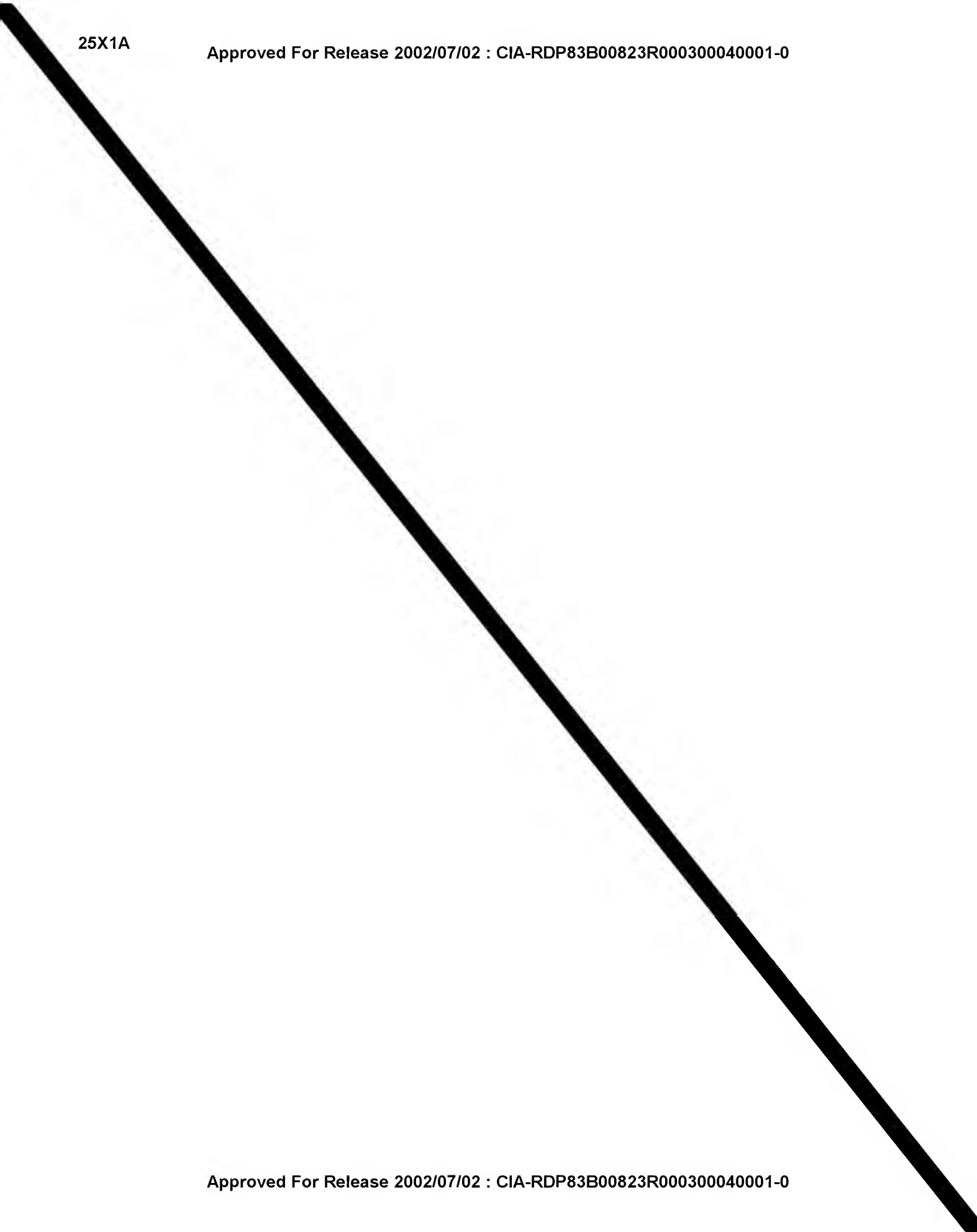
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

REFERENCE

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

REFERENCE

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 2 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

REFERENCE

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

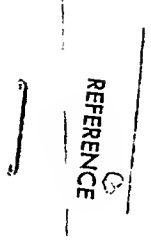
25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 1 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

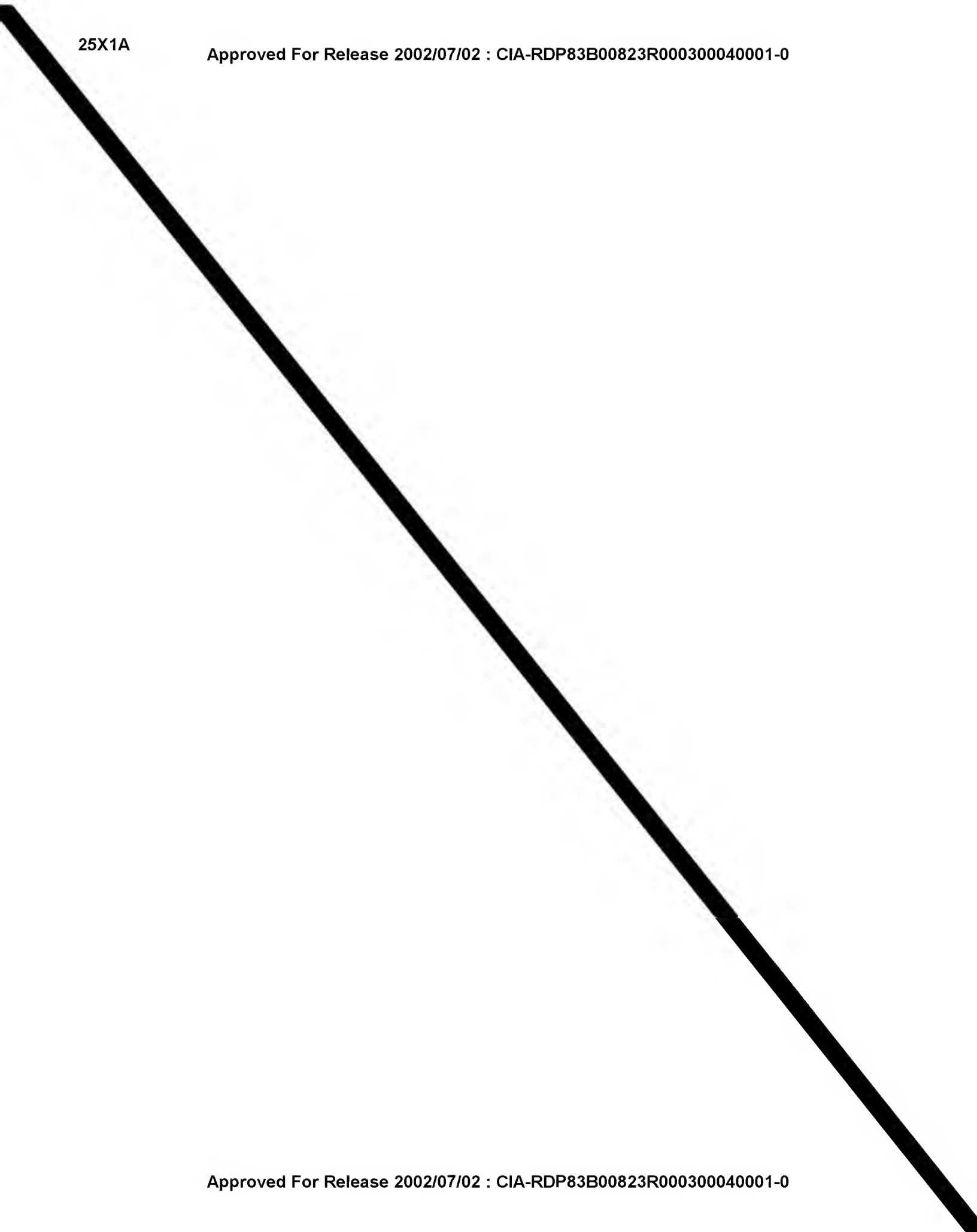
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

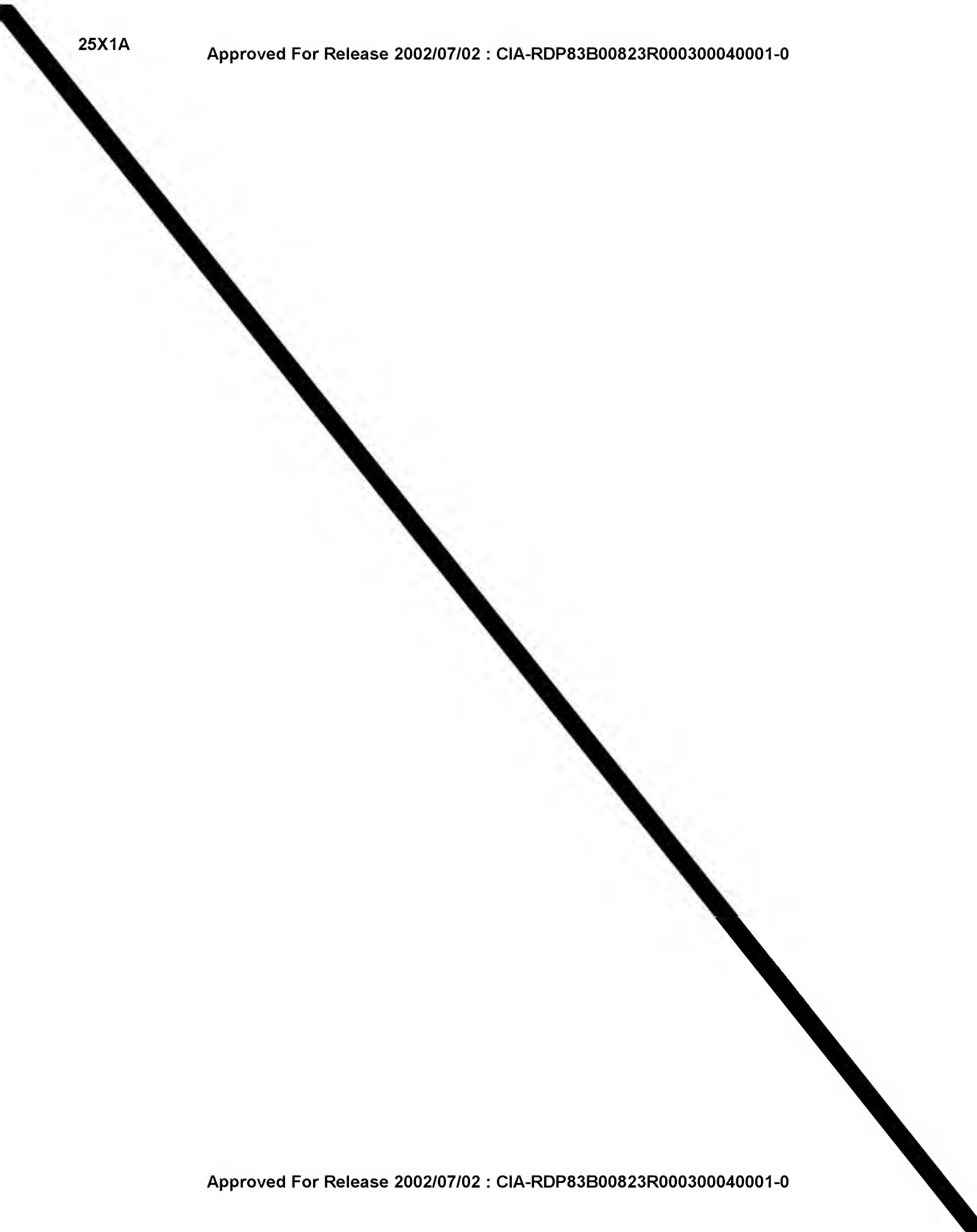
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

REFERENCE

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

REFERENCE

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 1 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

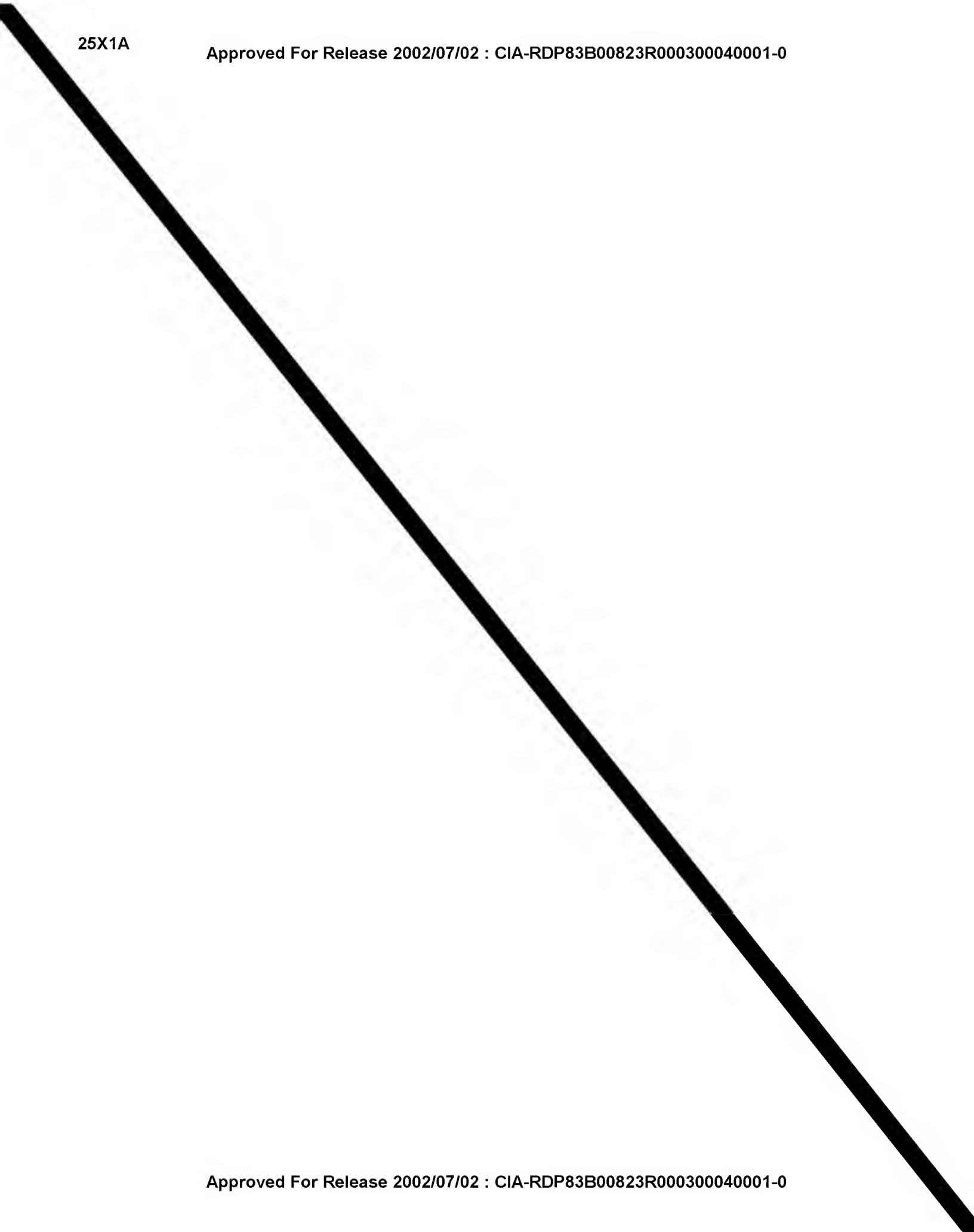
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

REFERENCE

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

ADMINISTRATIVE - INTERNAL USE ONLY

10 DEC 1975

MEMORANDUM FOR: Deputy Director of Security (PSI)

SUBJECT : Employee Alcoholism and Drug Abuse Program

1. Reference is made to my memorandum of 4 December 1975 and to your comments relating thereto.

2. On this date, we had a long discussion on the matter with a representative of the Office of General Counsel, and that office has agreed to re-examine their position that the Agency is required to develop a program for drug abuse. This review will take approximately five (5) working days.

3. In addition to the foregoing, the Office of General Counsel, in the presence of a representative from this office, contacted [redacted] Deputy Director of Personnel, and advised the latter of the foregoing. At that time, the representative of the Office of General Counsel asked what the implications would be if the Office of General Counsel reversed its previous position in the matter. STATINTL

4. We took the position that the Agency should not be required to establish such a program based on our review of the law and discussion with the FBI and NSA. We also took the position that if the Office of General Counsel does not reverse its previous position (as a result of strict construction of the law and the implementing Federal Personnel Manual System letter dated 17 June 1974), that our present policy now constitutes an "appropriate" program and thereby complies with the language of the FPMS letter. In addition to the foregoing, the Office of General Counsel, as you are aware, is preparing a list of statutues from which the Agency is seeking a general exemption. We asked that PL 92-255 be included.

ADMINISTRATIVE - INTERNAL USE ONLY

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

ADMINISTRATIVE - INTERNAL USE ONLY
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

5. In view of the foregoing, it is strongly recommended that no further action be taken in this matter pending the receipt of the Office of General Counsel's official response to the foregoing.

STATINTL

[redacted]

Chief, Clearance Division

STATINTL OS/PSI/CD/[redacted] sh (10 Dec 75)

ADMINISTRATIVE - INTERNAL USE ONLY
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

OGC 76-0122
24 December 1975

MEMORANDUM FOR: Liaison Officer/Office of Security

SUBJECT: Agency Compliance with the Drug Abuse Office and Treatment Act of 1972

1. You have requested an opinion from this Office as to whether the Drug Abuse Office and Treatment Act of 1972, 21 U.S.C. 1180, requires the Agency to develop and maintain appropriate drug abuse prevention, treatment, and rehabilitation programs for its Federal employees. Secondly, if the Agency is not excluded from compliance with the Act, is the current drug abuse program outlined in HN [redacted] ufficiently appropriate STATINTL to effect compliance.

2. Section 1180 of 21 United States Code reads in pertinent part,

> (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Director and with other Federal agencies and departments, appropriate prevention, treatment, and rehabilitation programs and services for drug abuse among Federal civilian employees. Such policies and services shall make optimal use of existing governmental facilities, services, and skills.
>
> * * * *
>
> (c) (1) No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior drug abuse. (2) This subsection shall not apply to employment (A) in the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, or any other department or agency of the Federal Government designated for purposes of national security by the President, ... (Emphasis added.)

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

3. The legislative history of this particular section states: "The provision (§1180) is almost identical to section 201 of the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970, and should be administered in a similar manner." (Emphasis added.) 1972 U.S. Code and Adm. News, p. 2067. Since the Agency is required to comply with the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970, it would reasonably follow that appropriate Agency compliance with the Drug Abuse Office and Treatment Act of 1972 would also be required. Also, if the Agency were excluded from compliance with the Act, there would have been no need for the specific exemption found in section 1180(c)(2), supra, re the dismissal of Federal civilian employees for drug abuse. If this were the case, this subsection would have been surplusage and, as such, forbidden by canons of legal interpretation. Therefore, it is the opinion of this Office that the Agency must comply with this Act and establish an appropriate drug abuse program for its Federal civilian employees.

4. The question now becomes whether or not the current drug abuse program outlined in HN [redacted] s a sufficiently appropriate response in compliance with the Act. Due to the sensitive nature of Agency employment, Agency policy is to terminate any employee found guilty of drug abuse. The right recognized in section 1180(c)(2) of the Act which specifically exempts the Agency from the prohibition of the Act's dismissal provisions. Therefore, it would appear that a program aimed at treatment or rehabilitation of drug abusers could not be required of the Agency, since such employees are, in fact, terminated. Accordingly, it would appear that the only appropriate Agency response in compliance with the Act would be to develop and maintain a drug abuse prevention program, and the program detailed in HN [redacted] s just such a program. It provides for seminars, information, and guidance all aimed at the prevention of drug abuse by Agency employees or their dependents.

5. Therefore, it is the opinion of this Office, based on the above reasoning, that the drug abuse program outlined in HN [redacted] s satisfying the requirements of the Drug Abuse Office and Treatment Act of 1972.

[redacted]

Office of General Counsel

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 34 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

10 FEB 1976

MEMORANDUM FOR: General Counsel

SUBJECT : Proposed "Foreign Intelligence Surveillance Act of 1976"

1. The "Foreign Intelligence Surveillance Act of 1976," being proposed by the administration, has been reviewed by the Office of Security.

2. It is our feeling that proposal of this amendment of Title 18, USC, is unwise because it necessitates the divulgence of sensitive information concerning foreign counterintelligence more widely than is now required under existing legislation.

3. The proposed bill would require applications for court approval of an electronic surveillance to include revelation to the court of sensitive security information relating to the intelligence activities of foreign governments in the United States and the degree to which we are witting of such activities. While we do not mean to impugn the integrity of such a court, security tradition and prudence suggest against any unnecessary revelation of sensitive information.

4. Secondly, in contrast to the "Omnibus Crime Control and Safe Streets Act of 1968" (PL 90-351), the proposed bill contains no notation about the constitutional power of the President to take such measures as he deems necessary to protect the Nation against attack, hostile acts of a foreign power, foreign intelligence activities, the overthrow of the Government by unlawful means, or any other clear and present danger. By such neglect, in our view, the proposed amendment denigrates the power of the executive.

ILLEGIB

[redacted] of Security would suggest that Agency [redacted] to persuade against proposing such STATINTL

[redacted]

Robert W. Gambino
Director of Security

cc: EO-DD/A

OS 6 0593

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 2 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OGC 76-1334
17 March 1976

William F. Funk, Esq.
Office of Legal Counsel
Department of Justice
Washington, D.C. 20530

Dear Mr. Funk:

Pursuant to our conversation of 8 March 1976, I am enclosing a draft letter which we intend to ask the Director to send to the Attorney General.

The first part of the letter requests modification of the procedures for unconsented physical searches directed against United States persons abroad. There is actually a greater need to have the approved procedure cover such emergency searches than an emergency electronic surveillance because the situations which would require such a search are potentially more serious than those which would call for an electronic surveillance. In addition, because an electronic surveillance requires greater preparation, there will nearly always be time to obtain prior approval. This is not the case with searches in the situations we have in mind.

The second half of the letter states the case for our electronic surveillance detection activity. Since this activity is not conducted for the purpose of acquiring non-public communications, and since the Director and the Agency have affirmative duties to protect intelligence information, we believe there is a reasonable basis to conclude that the activity is permitted. As you may know, the FBI, State Department, and others currently conduct identical detection activity.

25X1

CLASSIFIED BY [redacted]
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF E.O. 11652, EXEMPTION CATEGORY:
§ 5B(1), (2), (3) or (4) (enter as appropriate)
AUTOMATICALLY DECLASSIFIED ON
Impossible to Determine
(unless impossible, insert date or event)

Sincerely,

[redacted]

25X1

Assistant General Counsel

Enclosure

Distribution:
Original - addressee
1 - OGC SUBJ:
1 - GWC Signer
1 - Chrono

OGC: GWC: smf (17 Mar 76)

cc: ADDO
ADDA
DirAreas

SECRET

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 8 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Office of the Attorney General
Washington, D. C. 20530

DD/A Registry
76/0972

1 MAR 1976

The Honorable
George Bush
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Bush:

The General Counsel's office of the Central Intelligence Agency submitted to the Department of Justice a draft of procedures to deal with those foreign intelligence and counterintelligence activities requiring my approval under Executive Order 11905, which has an effective date of March 1, 1976. We reviewed those procedures and have made modifications. By this letter I approve the procedures, as modified, set forth in the enclosures entitled as follows: (1) CIA Counterintelligence Activities in the United States; (2) Procedures Under Executive Order 11905 for Unconsented Physical Searches Directed Against United States Persons Abroad; (3) Procedures Under Executive Order 11905 for the Conduct of Electronic Surveillance by CIA.

Because of the time constraints, we have not been able to discuss all of our modifications with your General Counsel's office. You may therefore wish to consider these procedures as interim in nature, so that we may discuss changes which may be necessary. Indeed, my approval of the procedures set forth in Section 6 of enclosure (3) above must be on an interim basis, since new guidelines are being drafted in the Department to supplement USSID-18, which I will seek to apply to CIA operations as well, to the extent feasible.

Sincerely,

Edward H. Levi

Edward H. Levi
Attorney General

Enclosures

(Rec'd by OGC on 28 Feb 1976)

By 1500 hrs today

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Next 10 Page(s) In Document Exempt

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

8 APR 1976

25X1A

MEMORANDUM FOR: [redacted]
Assistant General Counsel,
General Law Division

THROUGH : Associate Deputy Director for Administration

FROM : Robert W. Gambino
Director of Security

SUBJECT : CIA Audio Countermeasures Activity Under Executive Order 11905

REFERENCE : Memo for Director of Security from Asst. General Counsel, General Law Division, dated 25 March 1976, OGC 76-1525.

1. This memorandum responds to your request for additional information on audio countermeasures inspection procedures under EO 11905.

2. The following is a list of types of communications which can be and occasionally are heard during audio countermeasures inspections. They are listed by titles consistent with the Federal Communications Commission and International Radio Regulations in accordance with the Geneva International Telecommunication and Radio Conference.

25X1A

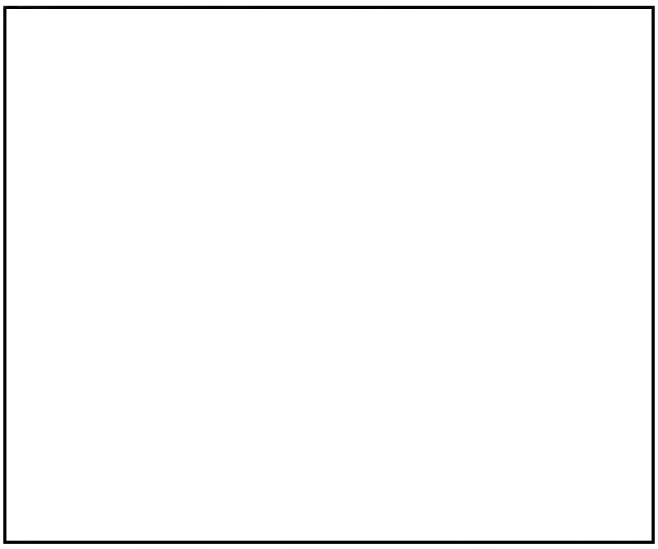
[redacted]

25X1

OS 6 1227/2

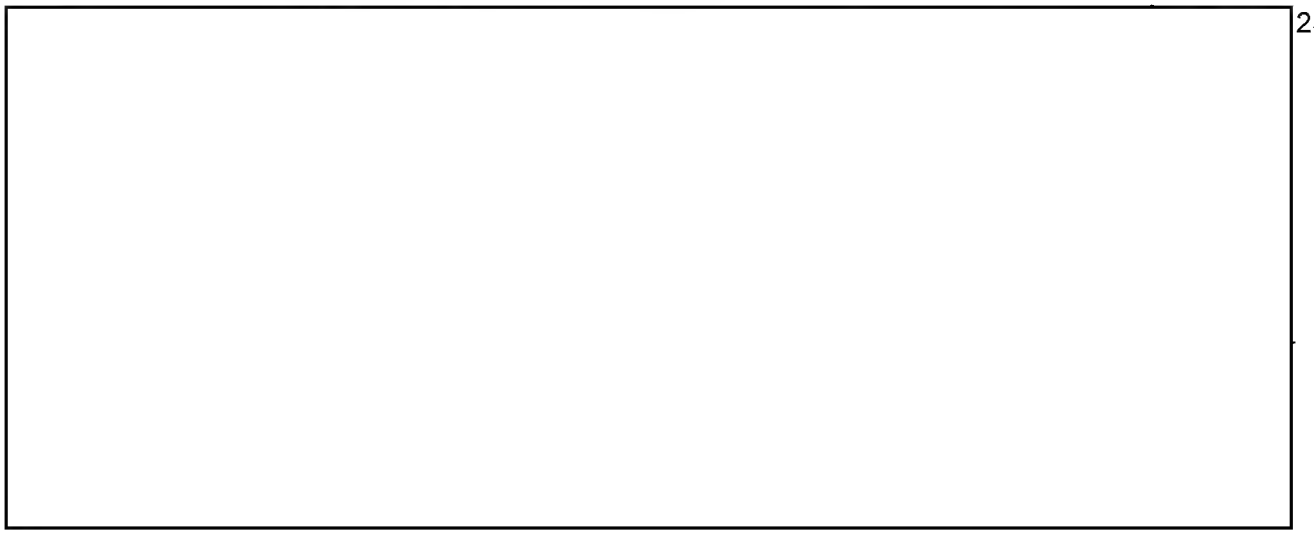
Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

25X1A



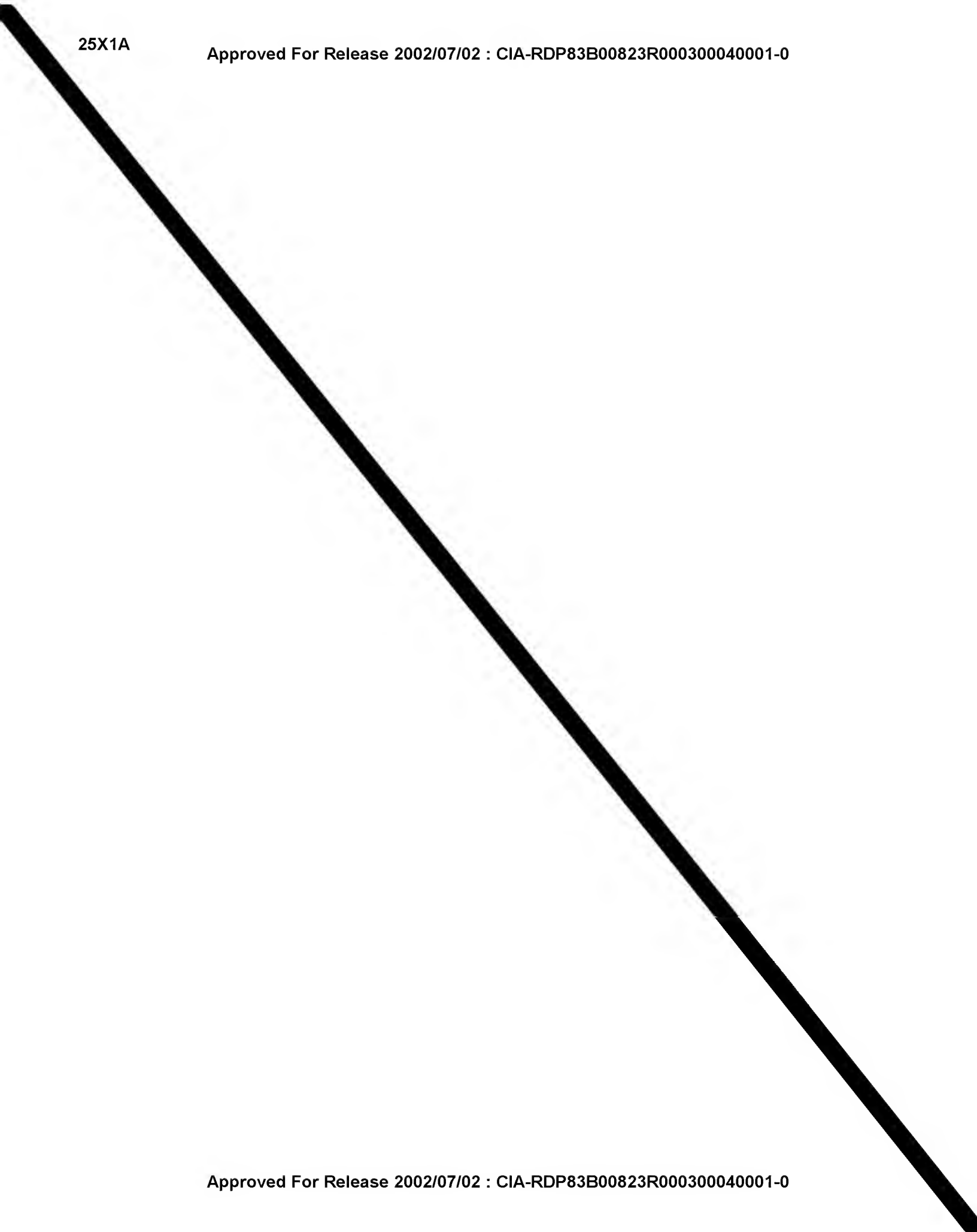
3. We agree completely with Mr. William Funk, Office of Legal Counsel, Department of Justice, that "the fact that you incidentally pick up such communications should not make the entire operation an electronic surveillance any more than turning on a citizen band radio would be electronic surveillance because it is capable of picking up radio-telephone communications."

25X1A



25X1A

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0

7. We are of the opinion on the other hand that any DCI request for approval of ACM procedures by the Attorney General should be generic in its application to those foreign intelligence activities of departments and agencies supervised by the Committee on Foreign Intelligence. We hold this opinion in consideration of the fact that these departments and agencies share in the responsibility of the DCI for the protection of intelligence sources and methods and that audio countermeasures inspections are a positive effort contributing to the discharge of this statutory responsibility. As you are aware the DCI, through the Committee on Foreign Intelligence supervises the foreign intelligence activities of the CIA, the Department of Defense, including the NSA, the Department of State, Treasury Department, Energy Research and Development Administration and the FBI. These agencies have an audio countermeasures capability. Further, under provisions of Director of Central Intelligence Directives 1/11, the Security Committee of USIB includes a Technical Surveillance Countermeasures Subcommittee. This Subcommittee, chaired by Victor H. Dikeos, Deputy Assistant Secretary for Security, Department of State, serves as the focal point of the Intelligence Community in the audio countermeasures arena and we refer you to the Chairman of the Security

25X1A

Committee, [redacted] Room 7C35, CIA Headquarters Building, for further information on the functions of this Subcommittee .

8. We hope this information satisfies your needs. As previously mentioned, we will be pleased to supplement it and we are willing to provide representatives of the Department of Justice with a detailed briefing and demonstration of our audio countermeasures procedures

25X1A [redacted]

25X1A [redacted]

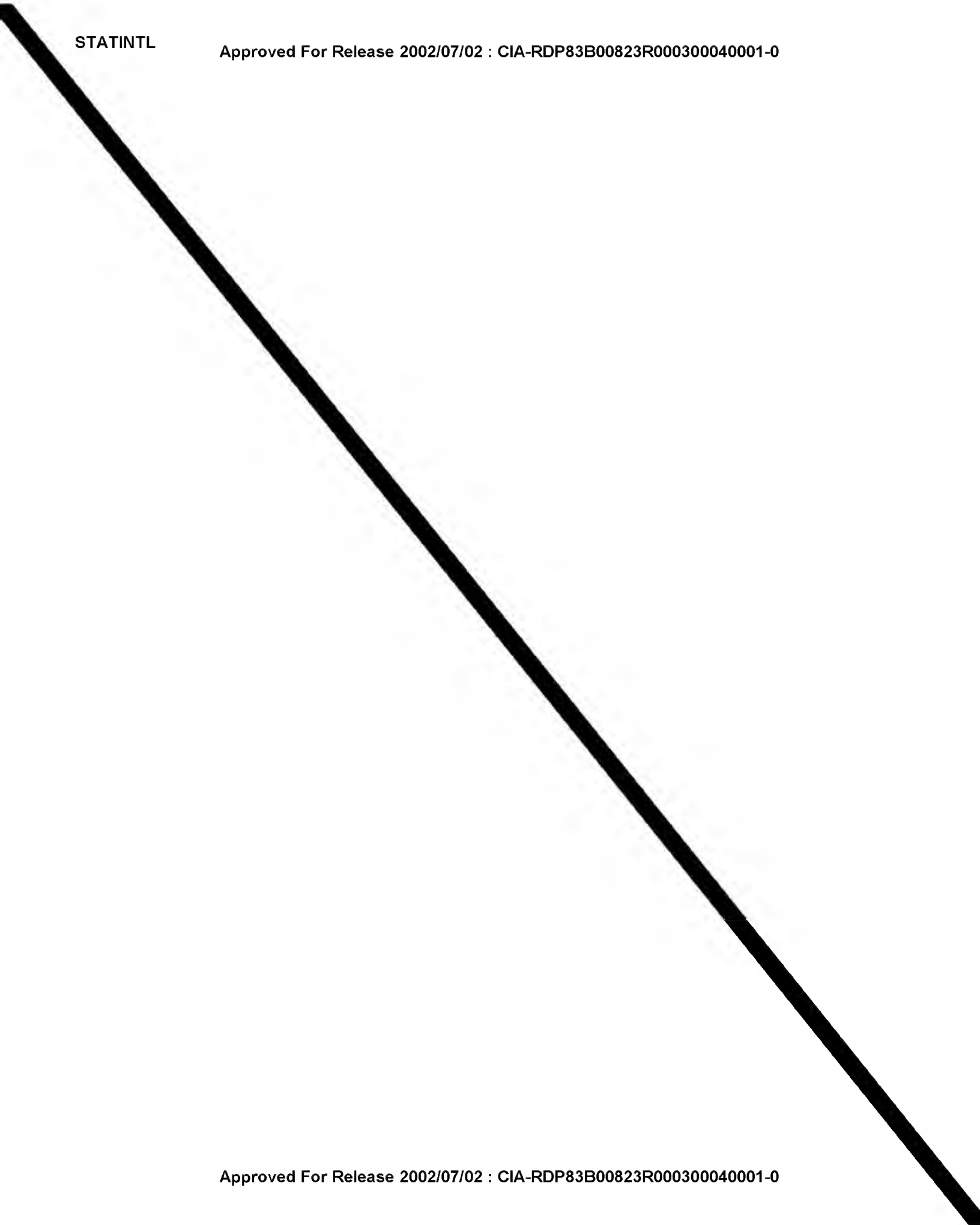
Robert W. Gambino

Distribution:
Orig - Adse
2 - ADDA
1 - Director of Security
1 - OS Registry
1 - DD/PTOS
3 - ISD/OS OS/ISD/[redacted] bwt/2 April 1976

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0
25X1A

STATINTL

Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0



Approved For Release 2002/07/02 : CIA-RDP83B00823R000300040001-0